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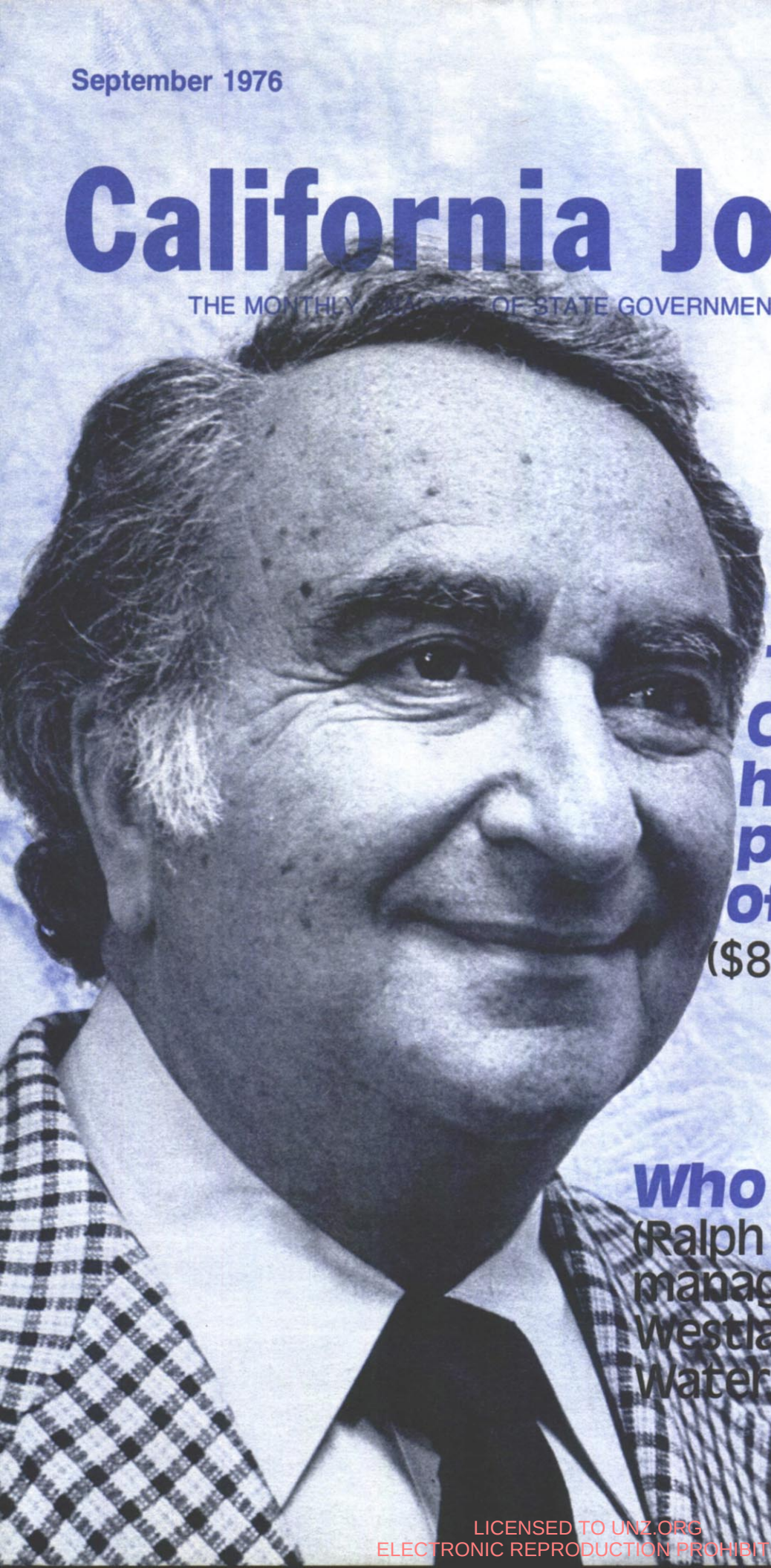

This man is California's highest-paid public official

($81,500 a year)

Who is he?

(Ralph M. Brody, manager-chief counsel, Westlands Water District)

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Ms. Chief Justice?

The most important decision Ronald Reagan made during his eight years as governor was the selection of a successor to Roger Traynor as chief justice of the state Supreme Court. And he blew it. Reagan was intent on picking a conservative, and that's what he thought he was getting with the appointment of Donald R. Wright to the post. Instead, Wright turned out to be an activist civil libertarian.

Within the next few months, Governor Brown will be making the same decision. Wright will turn 70 on February 2nd, and he has indicated that he will retire. (The chief justice favors mandatory retirement for judges at 70.) In addition, Brown could be naming successors to three of the six associate justices of the high court within the year. Justice Marshall McComb is 82 and has refused to retire. But an investigation has been launched into his ability to do the job, and he could be forced from the bench. Justice Raymond Sullivan will be 70 in January, and Justice Mathew Tobriner is 72.

Aside from its philosophical composition (usually 4 - 3 with the activists in the majority), the most significant fact about the current court is that it is all male and all Caucasian. If Brown's previous appointments to the bench are a true indicator, there will be a drastic change in the complexion of the Supreme Court if Brown gets an opportunity to replace the senior justices.

We can look for women, Blacks, Chicanos and perhaps other minorities to be represented on the court. Conservatives, it appears, should be fearful that the Governor will select a majority that will give the high court a definite liberal bent for many years to come. But that isn't the case.

Take the issue of capital punishment. The attorney general's office, which is pro-death penalty, would prefer to wait until next year to have the court make a decision as to whether California's law is constitutional in the wake of the United States Supreme Court ruling on executions. Those favoring capital punishment can predict that Wright will vote against them and that the state law will be struck down. They would rather take a chance on any new justices that might be appointed by Brown to replace Wright, Tobriner and Sullivan. The theory is simple: Just as Reagan misjudged Wright, so may Brown miscalculate on his appointees.

Brown will have the option of naming a current member of the Court as chief justice and then selecting a new associate justice. In that case, the obvious choice would be Stanley Mosk, the former attorney general who has become the liberal stalwart on the bench. Mosk will be 64 this month. Or Brown could take a bolder step and name the court's first woman, Black or Chicano as chief justice — and Brown is well aware of the beneficial political impact of such a move, especially if the appointee is a woman.

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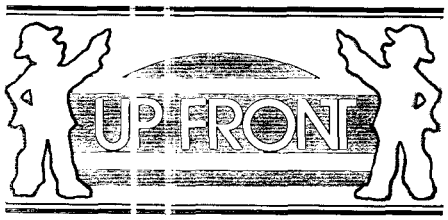

Wild rumor of the month: Former Republican Assemblyman John G. Veneman, assistant to Vice President Nelson Rockefeller, will be asked to join the Brown Administration in Sacramento as the clean-up man for the state health department. It's strictly a rumor, but Veneman is probably the best talent available anywhere for a California health-and-welfare job.

Only partly in jest, Assemblywoman Leona Egeland of San Jose has already asked Speaker Leo McCarthy for a staff for the Assembly women's caucus next year. The women's caucus will probably be the largest non-party organization in the Legislature after the November election.

Look for Assemblyman Jack Fenton of Los Angeles County to be appointed to a judgeship by Governor Brown next year. The judgeship is supposed to be part of a deal that includes general Democratic support for the election of Ralph Ochoa, assistant to Speaker McCarthy, as Fenton's successor. Ochoa has moved to Montebello, within the Fenton district. This parlay would give McCarthy a stronger hold on the Assembly.

The probable chairman of the Senate Finance Committee for the 1977-78 session is the veteran Alfred Alquist of San Jose. The Senate, already short of leaders, can hardly afford the loss of Finance Chairman Anthony Beilenson of Beverly Hills, who is headed for Congress. Alquist's compatriot from Santa Clara County, freshman Jerry Smith, is rising fast in the Senate and may fill part of the leadership vacuum.

Sandy Weiner, the former California political campaign manager, surfaced among California delegates to the Republican convention in Kansas City. Weiner, who experienced financial and personal difficulties in California, is now running a ballot-proposition campaign in New Jersey to legalize casino-style gambling in Atlantic City.

Will Tom Quinn, Air Resources Board chairman, soon join the parade of those leaving the Brown Administration?

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Photos by Dennis R. Warren

REAGAN'S KANSAS CITY BLUES

Did Ford prefer Dole to winning in California?

By Ed Salzman

Can President Ford carry California in November?

Yes, but the odds are against him.

If he doesn't take California and its 45 electoral votes, can he retain the presidency?

Probably not.

Then why didn't Ford avail himself of the best chance of carrying the state by offering the second spot on the ticket to Ronald Reagan?

This last question has several possible answers. Ford may think he can overtake Jimmy Carter's 20-point lead in the California Poll within the next two months without Reagan on the ticket. Ford and his advisors may think California is hopeless and that Senator Bob Dole of Kansas will be more helpful in broadening the Republican base in the northeast and midwest. Ford may subscribe to the theory that he and Reagan would be two peas in a pod and could not attract Democratic and independent votes, despite Reagan's record to the contrary.

The most likely answer is simply that the President and his advisors could not stomach a partnership with the man who came closer to toppling an incumbent president at a convention since Chester A. Arthur was defeated in 1884. Reagan even forced Ford to swallow a repudiation of his Secretary of State, Henry Kissinger, at Kansas City.

Reagan found dozens of ways to tell the delegates and the

American people over the past few months — and indeed even after the presidential balloting in Kansas City — that he was not the slightest bit interested in the vice presidency. A presidential candidate must make those statements. Otherwise, he will be adjudged to have conceded defeat. That's one of those acceptable fibs in the world of politics. It must be noted, however, that Reagan's statements were almost as unequivocal as the Sherman stand that if he were nominated, he would not run, and if elected, he would not serve.

At the age of 65, Reagan presumably was facing his last chance at the goal of every politician, the presidency. After the procedural roll call on the revelation of the vice-presidential preference, it appeared that there was probably only one way Reagan could become president, by taking the second spot to Gerald Ford. After Ford was chosen, there were two problems for Reagan — how to save face, and how to be asked.

The first problem was easily solved. He would not run; he would be drafted if Ford would allow the convention to make the choice. Reagan shocked the nation by leaving the door open to a draft when interviewed after Ford came to see him in the California headquarters hotel. Would he accept a draft? "That's one of those hypothetical questions. I'll answer that if and when it comes." The door was open. Later, Ford gave a hint that he might run with Reagan by telling his supporters that he and Reagan would work "shoulder to shoulder" in the campaign.

But Ford called Reagan later that morning with the news that he had selected the 53-year-old former head of the Republican National Committee, Bob Dole, a good campaigner but hardly in Reagan's class. (Who is?) The word is that Reagan was meeting with some of the "kitchen cabinet" members at the time the call came and that there was a general feeling of disappointment in the room.

Convention countdown

Historians will long question the strategy employed by Reagan and his campaign manager, John P. Sears, in attempting to overcome Ford. First, there was the selection of moderate-to-liberal Senator Richard Schweiker of Pennsylvania as running mate a few weeks before the convention. Then there was the decision to go to the mat over Rule 16 (c), which would have forced Ford to name his Schweiker. (Actually, Dole would have caused Ford few problems.) There was the anti-Kissinger plank in the platform, which Ford was forced to eat as an early-morning snack. And there was the handling of the vice-presidential spot, which Reagan could have taken with a different strategy.

As convention week started, Reagan still had a numerical

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From left: Pat Boone, Lyn Nofziger, Nancy Reagan, Robert Nesen

chance. The naming of Schweiker at a time when Ford was about to hit the magic number of 1130 delegates caused enough movement to prevent a lockout. But it didn't have the desired effect of turning the big Pennsylvania delegation around. The California delegation (without Reagan) arrived in Kansas City on Saturday, August 14th, but did not caucus until the following day.

On Sunday morning, Ed Meese, former Reagan chief of staff, indicated that the platform drafted by the resolutions committee was acceptable but the Reagan camp might employ a strategem of proposing the addition of a foreign-policy section. The California delegation met in the morning, and the press was excluded by the Chairman, Robert Nesen of Ventura County, a relatively inarticulate Cadillac dealer. The large California press corps found it difficult to comprehend why the caucus doors were closed since all the delegates were pledged to Reagan. Another question asked by reporters: how can a minority party hope to expand its base if it acts like a private club? Nesen himself seemed willing to open the doors, but he received no support.

Reagan's 33-year-old campaign manager, Sears, held a news conference each day that became known as the "One O'Clock Follies." It was always entertaining and often informative. In fact, the media's daily coverage of the convention hinged on the Sears conference. On this day, Sears revealed (as had Reagan convention director Lyn Nofziger to the Californians earlier) that the pivotal roll call would be taken on proposed Rule 16 (c) — the effort to force Ford to name a vice-presidential choice by 9 a.m. on Wednesday. The rules committee had rejected the proposal, 59-44, but the Reagan camp hoped to overturn the decision.

Ford and Reagan arrived that afternoon and went to their headquarters hotels for rallies. (Ford drew the better crowd.) At the Alameda Plaza Hotel, Schweiker told the gathering that only Reagan could defeat Jimmy Carter in debate and kept referring to the "Ford-What's-his-name ticket." The reception that followed featured a couple of bad-taste jokes by Assemblyman Bob Cline and a statement from actor Efrem Zimbalist Jr. that "Kissinger is as much a danger to the country as Jimmy Carter."

Crucible Tuesday

On Monday, Sears unveiled the anti-Kissinger platform proposal, which had been drafted by the Reagan team of Ed Meese, Pete Hannaford and Martin Anderson. The plank was called "Morality in Foreign Policy," but was clearly a repudiation of the Ford-Kissinger program. The "buzz words" in the plank are Alexander Solzhenitsyn and Helsinki. The Ford people could have lived comfortably with the proposal if these references to the Russian author, who had not been invited to the White House by Ford, and the Helskinki agreement negotiated by Kissinger had been omitted.

Tuesday was the pivotal day in the convention, although the presidential balloting was not scheduled until the next day. Without a victory on 16 (c), the Reagan candidacy was dead. The California caucus was shocked to learn that a single delegate, Susan deGolyer, a 30-year-old Northridge secretary, thought the rule proposal was heavy handed and was planning to vote against it. The Reagan leadership was appalled with the break in the ranks and deGolyer shed a few tears during the ensuing discussion. She held her ground and the vote was announced that night as 166-1. (Some delegates made an effort to keep her identity from the press, even going to the extent of handing out false information.) Sears reported that he had a 16 (c) count and was pleased with it. But he didn't sound confident. James Lake, Reagan's press secretary, announced that the candidate would be available to the press in the afternoon. Reagan appeared and introduced three of his supporters from New York. Then Lake angered reporters by refusing to let Reagan answer questions.

California Republican chairman Paul Haerle, a Ford backer, had described 16 (c) as the "misery-loves-company proposal." He was quoted during the debate, prompting boos from the California delegation. The final vote was 1180-1069 against the plan. The Reagan candidacy effectively collapsed at that point. Sears said the Mississippi caucus, which went 31-29 against the measure and then cast 30 unit-rule votes against 16 (c), was the key element in the defeat. But Schweiker's Pennsylvania voted 89-14 against it, a more telling blow. It was clear that Reagan's selection of Schweiker may have been the cause of his defeat, although Reagan might have been counted out earlier had he not taken the risk. The session ended that night with the victorious Ford camp swallowing the anti-Kissinger plank. Senator Robert Griffin of Michigan said this was a harmony move. Actually, it was an attempt to prevent Reagan from rebounding through an emotional debate over foreign policy.

The California caucus the next morning was given a pep talk by Lyn Nofziger, Reagan's convention director. Chairman Nesen reported that he was being hounded by the press and asked whether the doors should be opened to the media. The vote was unanimous for secrecy. Some of the delegates wanted assurances from Reagan that he would not accept the vice-presidential nomination. They called for Reagan to appear in person and would not even settle for assurances from Reagan's brother, Neil. Eventually, a written promise was delivered from the candidate. The delegates emerged with armfuls of noisemakers and other demonstration materials. "We were given lessons in levita-

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tion," reported state Senator H. L. (Bill) Richardson.

The nomination of Ford on Wednesday night was anticlimactic. The vote was almost precisely as the television networks predicted, 1187 to 1070 (Pennsylvania: 10 Reagan, 93 Ford). The nominating speeches by Nevada Senator Paul Laxalt for Reagan and Michigan Governor William Milliken for Ford were among the dullest in convention history. What followed was the only real drama: Who would be the vice-presidential nominee, and would Reagan accept the second spot if offered?

On the floor of the arena, top Reagan advisers Holmes Tuttle, Ed Mills and William French Smith declined to answer questions about the veep situation. Laxalt said he didn't know what Reagan would do if drafted. Then Ford made a harmony move by going to Reagan's hotel. They met for about a half hour and then held a news conference. Reagan let the world know he was open to a draft. But Ford never opened the door to let the draft in.

Emotional farewell

Tears were flowing like California cabernet at the Reagan hotel the next morning as Reagan met with the delegation and his faithful workers. He told his staff that "the cause goes on . . . . This is only one battle in a long war . . . . The cause will prevail because it is right . . . . Don't turn to expediency. Don't get cynical." He told the delegation that he had moved Ford six or seven times to the right just by being a candidate, and that there are some things he could not do in good conscience. "I'm going to tell you why I'm not interested in the second spot. There are obvious fundamental differences in foreign and domestic policy (between Ford and myself)."

Those remarks came from Ronald Reagan the conservative orator, who will now return to the lucrative business of selling speeches, newspaper columns and radio and television commentaries preaching the rightist cause. Immediately discarded was Ronald Reagan the practical politician who embraced Richard Schweiker, one of the most liberal Republican leaders in the nation, and who was prepared to accept the second spot with Ford had it been offered in a face-saving manner.

The conventions of 1976 were not nearly as exciting as had been expected. They served mostly as quadrennial reunions for political friends from the far corners of the country. As exercises in democracy, they fell short. Reagan may well have defeated Ford (and Jerry Brown may have taken Jimmy Carter) had the party picked its nominee through some type of national primary. It was the blocks of delegates from non-primary states that nominated Ford.

Reagan now has several political options available. He can give Ford token support, or go all out for the ticket. He can remain a loyal Republican, or he can become the leader of the new conservative party being organized as a replacement for the GOP. One option apparently has been ruled out: Reagan will not put himself out to political pasture.

The former California governor is unquestionably the most charismatic personality in the Republican Party today. He may well be the best campaigner in the English-speaking world. His concluding address to the convention overshadowed even the best political speech ever delivered by President Ford.

Don't be surprised if Ronald Wilson Reagan, at the age of 69, makes another run for the presidency in 1980 either under the Republican or Conservative banner. If he looks nearly as youthful and vigorous then as he does today, it will be difficult to reject him on age alone.

Reagan himself does not rule out this possibility, and even in the depths of depression he pulled out these lines from an old Scottish ballad:

I shall lay me down to bleed awhile . . .
Though I am wounded, I am not slain.
I shall rise and fight again.

Kansas City Kaleidoscope

Quite a few California legislators used the delegation as a forum for advancing themselves as possible statewide candidates in 1978. Among them were Assemblymen Ken Maddy, Mike Antonovich, Bob Cline, John Briggs and Bob Beverly . . . . If a poll had been taken, State Republican chairman Paul Haerle, a Ford floor manager, would have been the runaway winner of a contest for least popular Californian in the delegation. GOP Vice-Chairman Mike Montgomery, a Reagan supporter, complained that Haerle wouldn't even give him a key to the state Central Committee office in Los Angeles . . . . Even before Ford was nominated, Haerle was attempting to get commitments from key Reaganites to work for Ford . . . . Other Ford backers who were on hand included Attorney General Evelle J. Younger, Mayor Pete Wilson of San Diego, Assembly minority leader Paul Priolo and outgoing National Committeeman Chuck Reed. Wilson had a bit of a problem with credentials and spent nomination night acting like a newsman.

For those familiar with the Reagan Administration, there was a feeling of déjà vu. Seen in the Reagan headquarters: Ed Meese, former chief of staff; Verne Orr, former finance director; Lyn Nofziger, Ed Gray and Clyde Walthall, former press secretaries; Earl Brian, Jim Stearns and Gordon Luce, former agency secretaries. Missing: Frank J. Walton, former business and transportation secretary who now heads the non-partisan Heritage Foundation . . . . Mike Curb, the new national committeeman and a bigshot in the music industry, made a poor choice of emcee for the welcome-Reagan rally. Singer Jerry Naylor was so offensive that Cline eventually jumped on stage at the reception that followed to help save the day.

Most imaginative button worn by the California delegates: "Sayonara Tunney." . . . Peter Kaye, part of the "California mafia" on the Ford staff, has returned home to take up new duties as an associate editor of the *San Diego Union*, his alma mater. Kaye had been squeezed out of the Ford campaign, and there were rumors that another key Californian, Stu Spencer, would follow . . . . Don Livingston, the Carter Hawley Hale stores executive who threw the imaginative bash aboard a junk in New York, hosted a party in the Reagan headquarters hotel. The spread resembled the Wine Institute parties of pre-Prop-Nine Sacramento, minus the champagne.

Sign in the convention hall: "Actors who become politicians don't bother me. I worry about politicians who become actors." . . . The excitement level was not high as was anticipated. Few of the delegates were at a fever pitch, although there were some diehards for Reagan. In their hearts, the delegates knew Ford would win.

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Westlands' Ralph Brody – the $81,500 public servant

By GEORGE L. BAKER

The state's highest paid public official and one of its most powerful has his office in an unimposing adobe building in Fresno, the headquarters of the Westlands Water District.

At first glance, Ralph M. Brody would hardly seem to be the man who could help shape dramatic social, political or economic forces, even though his $81,500-a-year salary exceeds that of Governor Brown, the president of the University of California or the Chief Justice of the California Supreme Court.

He is a rotund, slightly paunchy man of 64 with grey sideburns and modishly-rimmed glasses. He is intense, amicable and warm at first meeting, with a sliver of arrogance in his smile. His office, deep in piled shag carpeting, is adorned with pictures of state and national figures he has known and is surrounded by volumes on water law. One of the pictures is of the senior Governor Brown, for whom he served as special counsel on water matters, his principal job being to ease passage of the 1960 State Water Project Act. His relationship with the senior Brown is more cordial than with the current governor.

Brody, as manager and chief counsel of the Westlands district, has emerged as a central and symbolic figure in a renewed debate of an issue that seems to hover perpetually on the edge of California life. It is the allocation and use of water and land, and their relationship to the people, land and politics of the state. Water has always played a major role in the development of California. And the marriage of water and land is nearly always at the center of political or economic controversies. So it is today in a 70-mile long strip of land along Interstate 5 and the Coastal Mountain Range.

Enforcement of the law

At issue is the enforcement of federal reclamation law in Westlands — a law which regulates the ownership of land and the use of water from federal reclamation projects. The implications of this struggle involving land reformers, family farmers, the Brown Administration, the Bureau of Reclamation, Congress and some of the biggest and most powerful land barons in the state, stretch far beyond the arid reaches of Westlands. As the controversy has escalated, so have the stakes:

- *Is the family farmer in California extinct? Given the increasing spread of agricultural giantism, can rural areas be spared destruction?*
- *To what extent should the federal government, in partnership with the state, provide opportunities for family farmers on land originally irrigated at public expense for that purpose?*
- *What is the ecological future of the Sacramento-San Joaquin Delta, whose existence is dependent on imported water supplies from northern California that may wind up in Westlands?*
- *What is the future of land monopoly in the San Joaquin Valley, a region whose political and economic contours are largely shaped by land ownership patterns?*

These questions have emerged in the past couple of years as the utter failure of reclamation programs to fulfill their promise of creating family farmers has become abundantly clear. Handsomely subsidized by the federal government, the Bureau projects have benefited California in general and Westlands in particular. But the Bureau, an agency of the Department of Interior, has proved itself to be more capable of laying concrete than implementing social policy. The classic example has turned out to be Westlands, which

The author, a national reporter for the McClatchy newspapers, has covered the Westlands water controversy both in Fresno and in Washington, D.C.

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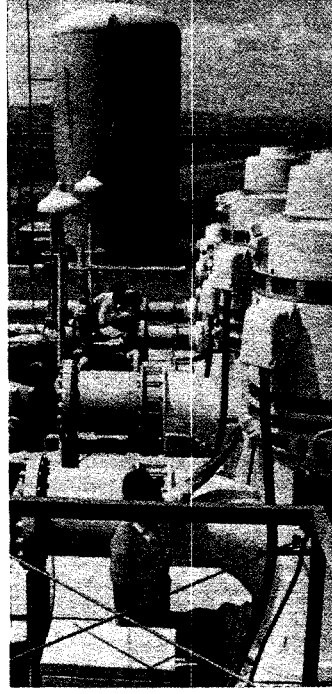
encompasses the high-stake politics and economic royalism inherent in irrigated agribusiness.

This failure has resulted in the resurgence of a land reform movement, an increasing interest in fitting family farmers into the agribusiness economy, the first criminal indictment under reclamation law in history, a Senate investigation and a thorough reexamination of reclamation in general.

And it has touched off a series of lawsuits, some of them successfully prosecuted in district and appeals courts, which could dramatically alter the face of farming and land ownership in California. From the Imperial Valley to San Francisco, there are indications that the courts may require users of federal water to live on or near their land and may tighten significantly the law, opening up several million acres to small farmers.

In the 1960's, the Bureau began constructing the San Luis Unit of the Central Valley Project (CVP), the 30-year-old, $3 billion system that laces California from Shasta to Bakersfield with dams, ditches and pumping plants. The principal beneficiary was to be Westlands, whose 600,000 acres, some of the richest in the world, were destined to revert to desert without additional water supplies.

Harvesting cantaloupe in Westlands



Central Valley Project

The San Luis Dam and Reservoir were built in conjunction with the State Water Project and a $400 million water distribution system, the most expensive in Bureau history, is about 70 percent complete. The rescue mission first contemplated in the 1940's is nearly finished. Last year, the district's farms had a gross income of $227 million, more than one quarter of Fresno County's nation-leading $1 billion.

If, superficially, the project has had its intended purpose of rescuing a number of corporate giants and agri-tycoons from bankruptcy, the underlying philosophy of the nation's $10 billion reclamation program has quietly been scrapped. Rather than breaking up the large landholdings and settling family farmers on the land, San Luis has simply provided another subsidy to the giant landowners who have continued to operate their factory farms.

Amid much wailing by Brody that the record has been distorted, first the *Fresno Bee*, then the *San Francisco Examiner* and the U.S. Senate Committees on Interior and Small Business documented a lengthy history of subterfuge. Senator Gaylord Nelson, a Democrat from Wisconsin and chairman of the Small Business Committee, said angrily during hearings in Fresno earlier this year, "There are people out there not intending to farm, who do not farm at all; not a damn one ever farms at it and yet we say we are implementing the law. That circumvents the whole intent and purpose."

At issue is the 1902 Reclamation Act and its 160-acre limitation, enacted in a period when land monopoly was more feared than farm-worker unions. Ever since the CVP was proposed in the 1930's, California landowners have tried to nullify or eviscerate the law, which was upheld by the U.S. Supreme Court in 1958. It provides that recipients of federally-developed water must live on or near their land, a provision the Bureau stopped enforcing in 1916, though a federal court in San Diego said the so-called "residency requirement" is still valid.

But the key provision said that to obtain federal water, landowners had to sign a recordable contract, agreeing to sell their land in excess of 160 acres within a period determined by the Secretary of Interior. In the case of Westlands, the Bureau has generously determined this period to be 10 years. The sales price of this so-called excess land and the eligibility of buyers had to be approved by the Bureau with the further stipulation that the price could not include any value attributable to the construction of the project.

"Making a homestead, a place to support a family and desirable for family life, must remain the central thought of every activity connected with federal reclamation," Congress declared in 1924. But the central thought of Brody, the Bureau, the landowners and some of their political friends has been to emasculate the law; they have succeeded.

Those most affected by the 160-acre limitation in Westlands include some of the largest landowners in the state. Among them are the Southern Pacific Land Company, the biggest private landowner in the state and possessor of 109,000 acres in Westlands; Standard Oil of California with 11,500 acres; Anderson, Clayton and Company, a Houston-based vertically-integrated food conglomerate; Bangor Punta, a Connecticut conglomerate which bought out Producers Cotton Oil; and the Boston Ranch Company, part of J. G. Boswell's surviving land empire.

Of the district's 574,000 irrigable acres, more than 350,000 acres were placed under recordable contract. More than 109,000 acres have already been sold and another 250,000 will be disposed of in the next 10 years. But there are precious few family farmers on the land. Poverty and shabby housing still prevail in areas where 90,000 cotton pickers used to scramble for wages of $1 for every 100 pounds. And the district's farms still roll to the horizon, unimpeded by the shadow of a barn or farmhouse.

What has occurred is a class shuffle game in which land is sold or resold or leased to former associates, syndicates, foreign corporations or Caribbean-based tax havens, who continue to operate with 5,000 to 6,000 acre tracts. Windshield farmers, speculators, agri-corporations or absentee owners have taken over, creating a new class of paper farmers. The land is being sold, but not to those whom the law intended.

Such subversion of a long-established public policy is even more questionable in light of the enormous public investment involved. The San Luis project will cost more than $800 million in direct outlays and $2.5 billion in subsidies in the next 40 years, according to an analysis by the Brown Administration.

"Such public expense can only be justified when a fundamental public interest is served," said the Brown Administration of the reclamation subsidies. "That public interest, in the case of the Reclamation Act of 1902, was to provide an economic opportunity for those who build homes and farm

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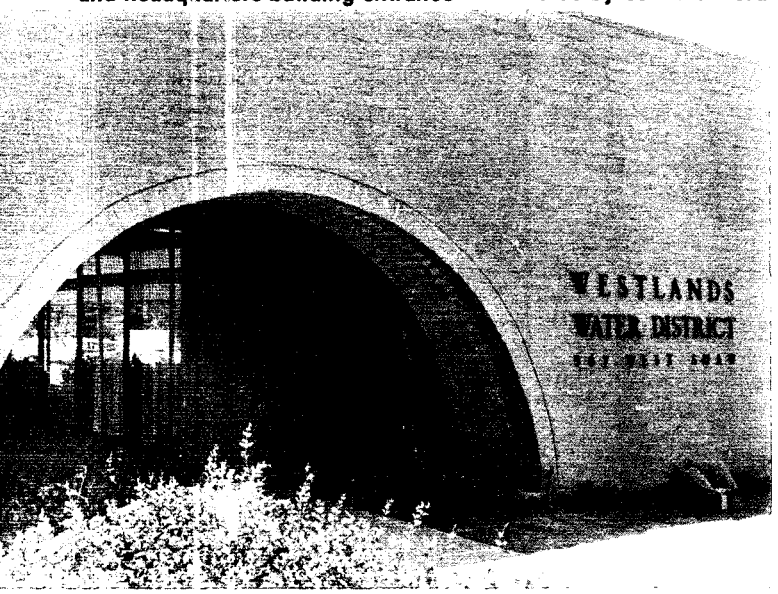
Westlands water-pumping plant (left) and headquarters building entrance **Photos by Carl Crawford**



the land. It was further intended that this would build independent rural communities and a healthy economy. Its purpose was not to further enrich the wealthy, whether they are individuals or corporations. Enormous profits are being made in Westlands, but the purpose of the Reclamation Act is not being served."

Cause and effect

What happened? One man who knows, Geoffrey G. Lanning, a former Department of Interior lawyer who worked closely with Brody and the landowners, spoke candidly last year: "The Bureau of Reclamation deliberately violated or avoided the 160-acre limitation, doing so by the failure to administer the law at all, or when pressed, by having its captive lawyers write crude loophole provisions that let the big landowners ignore this public safeguard. These efforts on behalf of the large landowner were evident at every level of the government decision processes supposedly created to enforce such laws."

Illustrative of the sham transactions was one involving Fresno rancher Russell Giffen, who consistently ranked behind only Boswell and a Japanese export-import company in the annual farm subsidy list. Giffen, cleaning up his estate for probate, sold 77,000 acres he operated for $32.2 million. One of the buyers was a group headed by William and Judith Rogers of Bakersfield. They held an 80 percent interest in a New York corporation called Jubil Farms, and the Nissho-Iwai American Corporation, a subisidiary of a Japanese conglomerate, held the remaining 20 percent. The Rogers, five other couples (many of whom worked for his Bakersfield-based farming outfit), the trusts of four Rogers children and a corporation originally chartered to sell mail-order dentures took title to 1,812 acres, each in parcels of 160 acres or less. At the same time, Jubil Farms bought 960 non-excess acres. All the landowners leased their property and all the farm equipment to Jubil Farms. And Nissho-Iwai provided the financing of $3.5 million.

On paper, and in the books of the Reclamation Bureau, it appears that at least 11 farmers were created because each of them bought no more than 160 acres. But the practical result was that more than 3,000 acres were being operated by one farmer. That was hardly the kind of farmer envisioned when Congress authorized San Luis in 1959.

One of the claims raised by Brody and his employers is the contention that operations such as Jubil Farms are necessary because the area is not suited to family farming, that despite the availability of 1.15 million acre-feet of water each year, the family farm cannot survive. It is a judgment, however, that is not supported by several university studies. For instance, Dr. E. Phillip Laveen of the University of California, Berkeley, told a U.S. Senate hearing that "farms of 320 acres are large and sufficiently profitable to provide the basis for a new agricultural system in Westlands."

Family farmers

When the audience of about 400 at the Fresno hearings was asked how many wanted to farm in the district, about 200 family farmers stood up. One of them was Robert F. Hopkins of Tulare who told Nelson many of his neighbors were living comfortably with ranches of 160 to 320 acres. "With people who love the soil as I do, money is not the first reward of farming, but the way of life it provides."

Unlike his father or Governor Reagan, Jerry Brown has given his support to finding ways to make family farming a viable alternative. The only thing lacking, Brown said, was the political will and resolve. "You now have a state that is willing to shoulder its share of the burden and willing to join with the federal government in trying to redeem the promise of the Reclamation Act of 1902," he said. But true to form, the Bureau has rejected that offer, content to maintain the status quo.

If nothing else, Westlands has served to rekindle a dormant land reform movement in central California, for there are those who recall that not far from the district is Mussel Slough, the location of the 19th century confrontation between family farmers and the Southern Pacific which forever immortalized the railroad as the "Octopus."

Some people have banded together in farm cooperatives, working in 40-acre parcels of land outside Westlands, while others have joined the National Land for People. Its vice president is a one-time farmworker, Jessie de la Cruz, who says she knows the land as well as anyone because "I measured Mr. Giffen's land by the inch because I worked with an 8-inch hoe 10 hours a day, getting $7.35 after deductions out of 10 hours of work."

National Land for People's executive director is George Ballis, an old-time radical who, with Dr. Paul S. Taylor of Berkeley, had the temerity to suggest in the late 1950's that construction of Westlands would provide an unprecedented boondoggle and leave the 160-acre limitation in tatters. They were dismissed as cranks and eccentric do-gooders. Dr. Taylor, slowed by old age in recent years, argued vainly for 20 years that the Bureau was deliberately flaunting the law and was in league with the major growers. Ballis, with an ever-widening circle of public support, has filed lawsuits against the Bureau and done his best to exert public and political pressure on the district and the Bureau.

District defense

Brody stoutly defends the district, accusing newspapers and others of distorting the facts and sensationalizing things. "We have demonstrated that compliance with the law is being achieved, and rigorously so; and the objectives of the law are being achieved extensively. The facts belie the statements of those who refer to corporate holdings that existed when the project was started and imply that the large corporate holdings are now being farmed and developed. We are willing to let the record speak for itself. That is what is important."

Besides raising anew the issues of family farming and land monopoly, Westlands has served to highlight the politics of water in California. Brody, a one-time Bureau attorney himself, is well-connected now, thanks to his service with Brown senior and his long association with Westlands. He spends nearly as much time in Sacramento and Washington

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as in Fresno. And he has used his influence, derived from his backing by the landowners, and his knowledge of water law to wheedle numerous administrative changes in the 160-acre limitation. The cumulative effect has been to substantially weaken the law.

Almost single-handedly, he negotiated a unique water service contract with the Bureau, described by critics as a giveaway of both water and money. Among other things, the contract gives the district a preferential right, over all other districts, to additional supplies of CVP water; it generously permits the district to defer repaying one cent of the distribution system until the 1980's, even though it has been in use for 10 years; and it contains a provision that according to Gerald Meral, assistant director of the Department of Water Resources, "may prolong the current land ownership pattern."

Thomas M. Zuckerman, counsel of the Contra Costa Water Agency, points out that the "net effect (of the contract) is to threaten the Delta by shipping vast amounts of water south," in defiance of rulings by the State Water Quality Control Board. The contract, approved by the Bureau and Congress, still faces a hurdle in California where it must be approved by a board headed by State Treasurer Jesse Unruh.

Legislative friends

Whenever Brody has found the problem to be beyond his grasp, he has been able to call on his legislative friends, whom he courts with great diligence.

Item: In 1971, Brody prevailed upon Fresno Assemblyman Ernest N. Mobley, a Republican, and state Senator George N. Zenovich, a Democrat, to carry legislation permitting the district to contract with the federal government for water-system repayment through government-obligation bonds without holding a bond election. With the election eliminated, it insured that only the landowners would have a significant voice in district finances.

Item: Earlier this year, prior to Nelson's Fresno hearings, Brody and his associates generously volunteered to write testimony for Mobley, Zenovich, and Republican Assemblyman Kenneth L. Maddy, also from Fresno. All of these elected officials changed their testimony to some degree. An official of the district, the focus of the investigation, told a reporter he saw nothing unusual about it. "I think it's done that way."

Item: For more than two years, California's congressional delegation has been a docile lot, blithely ignoring the several issues involved and the undermining of federal law. Representative B. F. Sisk, a Democrat from Fresno, the father of San Luis, has expressed some concern, but says he has heard nothing but "innuendo" and "hearsay."

That politicians in the San Joaquin Valley enjoy such a close relationship with agribusiness interests is not surprising. Land more than anything else in rural California is power, for it is the one commodity from which all other wealth derives. Not only is it the economic base, but it translates into immense influence over numerous institutions such as churches, schools, the chambers of commerce, and finally, politics.

The relationship between landowners and their representatives is often direct and proximate. Sisk, a long-time friend of the district, numbers among his campaign contributors and advisers a healthy cross-section of the Westlands group. His campaign finance co-chairman, Fresno attorney Kendall L. Manock, has represented many of the Westlands landowners and other farmers for years.

In Sacramento, the U.S. Attorney, who is supposed to be prosecuting an alleged illegal sale arising out of Westlands, is Dwayne Keyes. The single most influential person in getting him the political plum, according to Republicans in Fresno, was the late Gilbert Jertberg. Before serving as a federal appeals court judge, Jertberg was the lawyer for Giffen and other Westlands operators and, in fact, helped form the district in 1952.

Central Valley connections

Even John Krebs, a freshman Democrat from Fresno with a reputation as a liberal reformer, has moved gingerly with Westlands, taking care not to antagonize too many of his constituents in the district. His campaign statements show numerous $100 contributions from district farmers and Brody.

Given these political intricacies, one can muster only moderate optimism for action on the congressional level. Sisk, feeling the pressure from two years of recurrent publicity about the situation, has introduced a bill that would permit the Bureau to buy excess land and resell it to small farmers who could obtain federally-subsidized loans. He has moved agonizingly slowly and critics such as Ballis have attacked the measure as being more beneficial to the seller than buyer.

At the same time, Nelson and Senator Floyd Haskell, a Democrat from Colorado, are drafting more comprehensive, tougher-worded legislation that would also make the government a landlord. Though the bill is not in final form, it promises to be tougher on the landowner than Sisk's. Assemblyman Charles Warren is sponsoring a resolution that would call on the federal government to cooperate with the state in disposing of land in the district to small farmers. But it does not have the force of law and Brown's legal affairs secretary, J. Anthony Kline, has said the state will have to wait for a change in the presidential administration before getting any help from the Bureau.

The Bureau, if it chose, could remedy the situation by simply requiring that the purchasers of land also be farm operators, a step advocated by the Congress's General Accounting Office. This would prevent the use of trusts and other fictional arrangements for continuing the huge farming operations. There is no magic in the 160 acre figure, nor in 320 acres. Just what is a viable farming unit depends to a great degree on the crop, location and type of soil. But not even Brody would say straight-faced that a farmer needs 4,000 or 6,000 acres to make a go of it. The important thing is that the law was intended to foster those who choose to make a living farming land, not farming the government.

Regardless of what happens, Westlands and the 160-acre limitation will be with us for a long time. There will be more court decisions, debates in the state Legislature and Congress and more reform activity. For as Dr. Laveen said of Westlands, "If the subsidy is used to rebuild rural communities, on a new agricultural base, both consumers and enterprise farmers will benefit; if the subsidy is permitted to flow into the hands of a new absentee-landowner group, we will all be losers."

It is a statement remarkably similar to one uttered in 1951 by a Bureau attorney arguing that reclamation law was a "time-honored, national policy which seeks to achieve the two-fold purpose of preventing speculation and of spreading the interest-free benefits of a reclamation project among a larger group of small landowners rather than confining those benefits to a relatively smaller group of large landowners." The CVP, this attorney wrote, was governed by reclamation law and one of its major purposes "was to provide homes."

That official was none other than Ralph M. Brody, who 25 years later has not only changed jobs, but philosophies as well.

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FISCAL BENDS FOR UI FUND

New appeals board – easy touch for the unemployed

By Dan Walters

California's unemployment insurance (UI) system, created four decades ago to protect workers against the vagaries of economic dislocation, may be slowly evolving into a welfare-cum-scholarship program that could be incapable of performing its original function -- especially if the Brown appointees to the UI Appeals Board have their way.

Benefits and eligibility are expanding rapidly, and Californians who don't want to work, don't need the work and may earn $100,000 or more each year are receiving up to $104 each week tax-free from the system. Despite a $600 million tax increase approved by the Legislature last year, independent actuaries are warning that the huge Unemployment Insurance Fund (UIF) is relatively weaker today than it was two years ago and may not be able to weather a renewal of the recession without even further tax increases.

Moreover, the actuaries warn, last year's tax increase itself impeded recovery from the recession by encouraging businesses to raise their prices to pay the new levies. Brown Administration officials profess confidence in the basic soundness of the UIF, but they are pinning their hopes on a continued recovery from the recession — hopes that are not shared by some economists who see a post-election downturn late this year.

California's unemployment insurance system was established in the mid-1930's during the depths of the Great Depression in response to federal legislation. Taxes were levied originally on both employers and employees a la Social Security and the original 1935 tax rate was one percent with no limit on the wages being taxed. Benefits were equally modest. In 1938, the first year that benefits were paid, the maximum was $15 per week, equal to 50 percent of the average $30 weekly wage of the period.

The author is a political writer for the Sacramento Union.

Unemployment Insurance changes

Within a few years, however, the first of many legislative and administrative changes were enacted. Beginning in 1940, for example, taxes were limited to the first $3,000 of each worker's annual wages and the base, under pressure from business interests, didn't rise until 1960 when it went to $3,600. There were three subsequent boosts and the wage base jumped to $7,000 this year as part of the tax increase legislation.

In 1940, when the first wage base was established, 90 percent of all wages in the state were being taxed. But, because of the $3,000 limit, the percentage declined as wages increased and, as late as 1975, only 42 percent of all wages were being taxed. Benefits were being steadily increased

to maintain the 50 percent figure of average wages, but the limitation on taxes created, actuaries say, an innate weakness that grew worse with each passing year. The benefits have risen because organized labor has maintained steady pressure for them — especially after workers stopped paying a share of the supporting taxes in 1946.

In small ways, more workers were made eligible for benefits. Certain forms of income such as sick pay and severance pay, for example, were not counted when eligibility was calculated. To qualify for benefits, a worker must earn only $750 a year. In these inflationary times, that means the average worker can qualify for the benefits after working only four weeks. Efforts to raise the eligibility to $900 or $1,000 were stifled in the Legislature last year.

The $750 requirement means that highly paid but intermittantly employed workers such as actors, loggers, commercial fishermen, skilled construction workers and others can claim unemployment benefits regardless of how long they may have worked or how much money they may have earned. There is a legend in unemployment-insurance circles that the late — and very conservative — actor, Adolph Menjou, would faithfully arrive every week at the Hollywood office of the Department of Employment in his chauffeur-driven limousine, resplendent in spats and gloves, to collect his unemployment check.

The age of spats has departed but Hollywood's unemployed actors still queue up daily at the office to collect their checks, including some who would be familiar to regular television and movie viewers. "Unemployment insurance is just a way of life around here," one of the unemployed actors said recently while waiting in line for his $104 check. But he didn't want his name to be used because there is a

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stigma attached — not to collecting his check but to admitting that he's out of work.

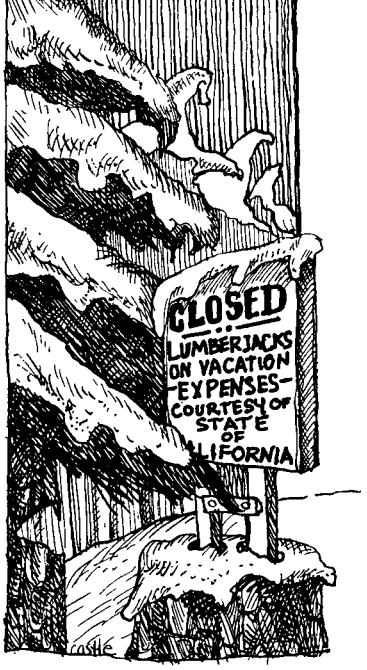
Another kind of game

At the other end of the state, loggers and fishermen play the same game. When they work they make good money. A logger may earn $20,000 or more in a six-month woods season. But when the rains come and the woods close, loggers spend their time hunting, drinking beer — and collecting their unemployment checks. Until recently, a self-employed logger or fisherman, who was also an employer, could pay about $160 a year into the UIF for himself and collect $2,500 or more each year in benefits.

What happens is that the pay-in for these seasonal industries is far less than the pay-out. The logging industry contributes just 58 cents for each dollar in benefits loggers pull out and the movie industry just 40 cents. Stable industries such as airlines, insurance, and publishing pay up to three times as much in taxes as their ex-workers receive in benefits. Banks pay twice as much as their workers receive.

The expansion of eligibility also contributes to weakening the UIF's ability to cope with recession. The Legislature, for example, added 250,000 farmworkers to the unemployment insurance system this year. They were scheduled to begin drawing benefits from the UIF in August but, because of the availability of higher federal benefits, this has been postponed until next spring. No one questions the necessity of granting these low-income workers the protection of unemployment insurance but, because of the limits of the law, their farmer-employers will not even begin to pay the cost of the protection. State officials estimate that, when full eligibility is realized, $80 million in benefits will be paid out annually to farmworkers, but their employers will pay in only $41 million. The UIF's reserves and more stable employers will make up the difference.

Organized labor has pushed for expansion of benefits and eligibility directly through the Legislature and indirectly. It sponsored legislation last year that would have allowed workers who voluntarily quit their jobs to collect jobless checks. The legislation would have cost the UIF $60 million per year and was killed. But labor quietly gained control of the Unemployment Insurance Appeals Board when Governor Brown appointed two labor representatives to the five-member board, joining one holdover labor member.



Labor majority

In the past few months, the three labor members have issued a steady series of precedent decisions, binding in principle on the Department of Employment Development (EDD), which widely expand potential eligibility for benefits. For example, the board ruled that a student can receive benefits even though unwilling to give up classes for a job. That ruling was too much even for the generally labor-oriented EDD management, which appealed to the courts expressing a fear that employers may refuse to hire students for summer jobs if they can collect unemployment checks from their account in the fall.

As labor has pushed through the years for expansion of benefits and eligibility, business has maintained pressure to keep payroll taxes low. The result has been a steady weakening of the UIF. In 1957, the UIF was strong enough to pay each covered worker nine weeks of benefits. By 1973, this had eroded to less than three weeks and, in 1976, despite last year's massive tax increase, the reserve is enough to cover less than one and a half weeks. The UIF, which would have been bankrupt by mid-1976 without the added revenue because of the recession and the weakening of the fund through the years, is expected to end 1976 with about $645 million in the kitty.

That's a lot of money but it's only a fifth of what the UIF needs to handle future recessions without additional tax boosts, according to the actuarial firm of Milliman and Robertson of San Francisco, which does an annual UIF study for the state. The UIF should have at least $3 billion in the bank, Milliman and Robertson warn, or the state could again be forced to raise taxes during a recession. "If the fund had been maintained at a higher level before 1975," the actuaries warn, "the substantial increase in employer taxes having many negative economic effects might have been postponed until after the recessionary period."

But there also is a problem with maintaining a larger fund — legislators and benefit-expansionists in labor want to spend the money on new benefits and eligibility. Milliman and Robertson, taking note of the rapidly expanding eligibility and benefits, suggest that if the state is not willing to maintain a larger UIF balance, it consider some curbs on the payout. Perhaps, they say, there should be some sort of income test to lop off those high-income, seasonal workers. Without such changes, the actuaries and other critics fear, the unemployment insurance system will become just another handout that is impotent when recession strikes.

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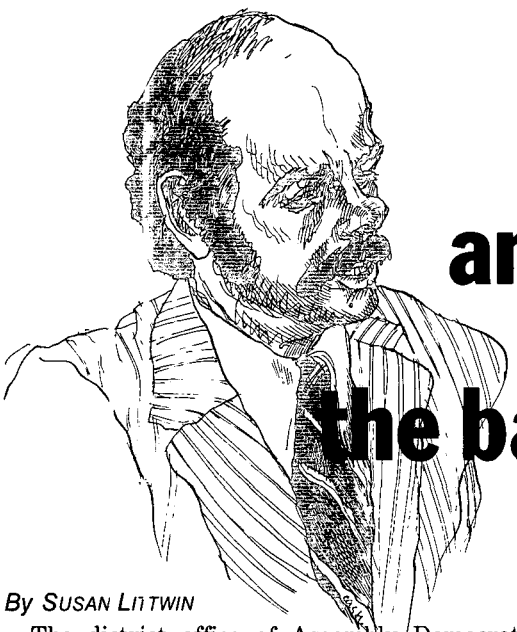

How Waxman and Berman run the bagel boroughs

By SUSAN LITWIN

The district office of Assembly Democratic Majority Leader Howard L. Berman is a cramped little jigsaw of rooms filled with plants, files and ringing telephones. It occupies most of a small stucco building on Ventura Boulevard on the cheaper San Fernando Valley side of the posh 43rd Assembly district. It is separated by the Santa Monica Mountains from the more spacious Fairfax office shared by Berman's friends, Congressman Henry Waxman, Assemblyman Herschel Rosenthal, and his brother, Michael Berman, now administrative assistant to Waxman.

But the Santa Monica Mountains are a mere bundling board in a close and highly successful political union. Journalists accustomed to the Lone Ranger individualism of California politics, in which each campaign starts from scratch to raise money and volunteers, coined the term, "Waxman-Berman machine," after Waxman helped Berman join him in the Assembly in 1972. The name stuck, much to the chagrin of Henry Waxman who entered politics as a Young Democrat opposed to the bossism of then-Speaker Jesse Unruh.

Waxman also entered politics with a firm grasp of two simple theories: two votes are more than twice as good as one if they stick together, and God never made liberals to be stupid. In its section on California's 24th Congressional District, *The Almanac of American Politics 1976* says, "Though Waxman has been accused of building his own little political machine on the west side of Los Angeles, it is certainly not a machine in the old sense, but rather a group of young politicos who can raise dollars and volunteers for each other."

In fact, "the machine" has little fuel to run on in patronage-poor California. Legislators have few jobs to give out and most can't fix traffic tickets. But Waxman and Berman have an in-house political organization that has demonstrated a dazzling ability to win elections in urban districts, to pool resources, and to parlay winnings into substantial political power.

The winning streak began in 1968 when Waxman, a young lawyer who had been a leader of the liberal caucus of the California Young Democrats, defeated 26-year Democratic Assemblyman, Lester McMillan. The entire primary campaign cost only $20,000, but it already bore the earmarks of the later, more sophisticated campaigns. The first was the preemptive attack: taking on an aging incumbent instead of waiting for him to retire, when an army of other bright young lawyers would jump in. The second characteristic was intensive precinct walking, especially by the candidate and those close to him, like Young Democrat and UCLA comrade-in-arms, Howard Berman. Waxman himself walked about 70 precincts. The third was massive use of volunteers, many recruited from the valuable Young Democrat connection. Most important perhaps were the sophisticated computer mailing techniques developed by Berman's younger brother, Michael, and UCLA sociologist Howard Elinson, a college friend of Waxman's.

Waxman: lead-off man

Waxman won 63.7 percent of the vote, the greatest recorded against an incumbent in California history. He went on to spend two impatient years as a liberal Democrat in a Republican Legislature with a Republican governor. He used the time well politically. He became a folk hero in his Fairfax district by emphasizing economic liberalism and support of Israel in his newsletters and frequent community appearances — many of which were unscheduled gatherings in local delicatessens. He also helped a North Hollywood assemblyman, Bob Moretti, become Speaker in 1970, and was rewarded with the chairmanship of his choice, the Assembly Elections and Reapportionment Committee, whose juicy task was to draw up a legislative reapportionment plan.

It proved a doubtful choice. The two-year battle was lost to a Reagan veto. Lost also in the package was an Assembly district tailored for his friend Howard Berman, who quickly jumped to the unreapportioned, marginally Democratic 57th Assembly district.

The 57th district was a string of diverse communities along the Santa Monica Mountains, from the Hollywood Hills in the east to Agoura at the western edge of Los Angeles County. The district was represented by conservative Republican Charles Conrad, also a 26-year incumbent. Conrad had long been regarded as weak, but had managed to stave off successive Democratic challenges. Berman and Waxman decided that the steady influx of west side Jews into the southern San Fernando Valley and the new 18-

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year-old vote in an affluent area where 18-year-olds were likely to vote made the district ripe enough to pour money and work into.

In 1972, Berman had six years under his belt as a lawyer with the labor firm, Levy and Van Bourg. Representing teachers in academic freedom cases, he rapidly established a reputation as one of the best public-employee attorneys in California. Berman, like Waxman, was a past President of the California Young Democrats, part of its liberal faction and of the peace slate effort. He had also been a Eugene McCarthy delegate to the 1968 Democratic Convention.

Allied with Waxman, he had an unbeatable base among liberals, labor, Jews, and Democratic leaders. Despite cries of carpetbagging, Berman went on to trounce ten primary opponents (one of them, Alan Charles, was supported by Senator Anthony Beilenson and Assemblyman Alan Sieroty), finishing 28 percent ahead of his nearest rival. In November, he scored an overkill 56 percent victory against Conrad.

The impressive victory had a $130,000 price tag. Berman, who had put up his own savings and borrowed from his family, took office with a deficit almost as impressive as his victory margin. Like Waxman, he had walked precincts and worked supermarkets and movie lines tirelessly. He also built a volunteer organization that spilled messily out of a storefront headquarters wedged between a bar and a tire shop on the banks of the Ventura Freeway.

Volunteer surplus

Not a dollar of the $130,000 went to salaries: everyone volunteered. The full-time volunteers included Rick Tuttle, another former YD President, rumored to be the Berman-Waxman candidate for Alan Sieroty's Assembly seat when he takes Beilenson's place in the state Senate. Nearly all the campaign money was spent on what is probably the most elaborate voter-contact program known to registered man.

Michael Berman and Howard Elinson had discovered that the computer was not just a toy that could write the voter's name into the body of a letter. It could be programmed to write messages that addressed particular interests. More than 20 different categories of voter were coded onto computer tapes for targeted mailings, and ten categories were coded onto the precinct sheets. A precinct walker who had been taught the code could ring a doorbell and know that he was about to meet a senior citizen, a youth, a Southern Democrat, a teacher, a union member, or a Jew who belonged to a temple. He also knew which of three different pieces of literature (liberal, regular Democrat, Republican) was to be presented.

The information was gleaned from voter registration affidavits, a variety of lists, and Berman's early precinct walking. Michael Berman denies charges that the campaign used illegally obtained information. All of the data, he asserts, was available to anyone willing to do the work of getting at it. The special advantage of their campaigns was the doggedness of their volunteers, who were willing and able to take on the tedious, complex task of coding the data.

The result of their work was highly refined targeting. Households considered "safe" for Berman were treated economically with a single piece of mail. The others were saturated with potholders, endorsements and letters on Berman's positions that the computer code had decided would effectively woo that family. Many of the "swing" households also had Berman knock on their door and ask for their vote in person.

The system, according to its engineer, Michael Berman, had built-in safeguards. The letters were written so that no great harm would be done if the computer went haywire and sent everyone the wrong letter. On the other hand, great care was taken to see that no such thing happened, and one staffer spent much of his time hovering over the computer.

Thorn in the paw

A sore foot in the triumphal march was the relationship between the Berman and McGovern campaigns. Concerned about Los Angeles' important Jewish primary vote, McGovern campaign director Frank Mankiewicz is said to have traded a McGovern endorsement of Berman for a list of Jewish surnames. According to Michael Berman, the letter of endorsement was first approved by Mankiewicz and then rescinded when local McGovern legions, many of whom supported Berman opponents, protested. The McGovern letter went out, and so did opposition literature and press accusing Berman of fraud.

Bad feeling deepened when Berman launched a massive registration drive that included blue-collar and older neighborhoods unlikely to go for McGovern. The final blow was an eleventh-hour letter from James Roosevelt and Bob Moretti, orchestrated by the Berman campaign, urging Democrats who could not vote for McGovern to stay with the rest of the ticket. (The letter did not go to Democrats coded as liberal.)

Berman arrived in Sacramento known as Waxman's sidekick and Michael's brother but soon established himself as conscientious and aggressive in his own right. With a characteristic combination of acumen and luck, Waxman and Berman backed Jerry Brown for Governor and Leo McCarthy for the speakership. Berman became the first freshman Majority Leader in 1974.

The team acted decisively after the state Supreme Court handed down a reapportionment plan. Berman announced for the wealthy, 57 percent Democratic 43rd Assembly district. This Beverly Hills area should have been the preserve of Alan Sieroty, but Sieroty hesitated too long, and Berman saw its wealthy liberal contributors and lawn-to-lawn Democratic vote as a solid power base.

Waxman decided to run for Congress in a district that seemed created just for him in the Congressional reapportionment. He willed his Assembly seat (the reapportioned 45th) to Herschel Rosenthal, a longtime supporter of local Democrats and progressive causes. Rosenthal, an affable man in his fifties who owned a typesetting business, was tailormade for this district whose heartland was elderly Jews. (The outskirts are Hollywood gays and south Valley conservatives.) Rosenthal ran on a slate with Waxman and Berman and easily defeated a list of rivals, at least one of whom outspent him and another a law partner of Assemblyman Charles Warren.

Heady with victory, the group moved to the white working-class 53rd Assembly district, where old-friend Jack Mayesh unexpectedly took a primary against a football hero and a Congressman's son, and faced Republican incumbent Paul Bannai in the the general. Bannai, they thought, was weak and relatively unknown, and the district was 69 percent Democratic. But Bannai raised $90,000 to Mayesh's $70,000, much of which came from Waxman's and Berman's own war chests, held the sizeable Asian-American Democratic vote, and attacked Mayesh as a carpetbagger running on Beverly Hills money. Bannai held his seat by 354 votes and dealt Waxman and Berman their first defeat.

Taste of defeat

They wiped the blood off their mouths and found themselves not badly off at all. Waxman had demonstrated that his clout as a vote-getter was great enough to be transferred to a new name. He was also in Congress, where he and the other Democratic freshman helped friend Phil Burton be-

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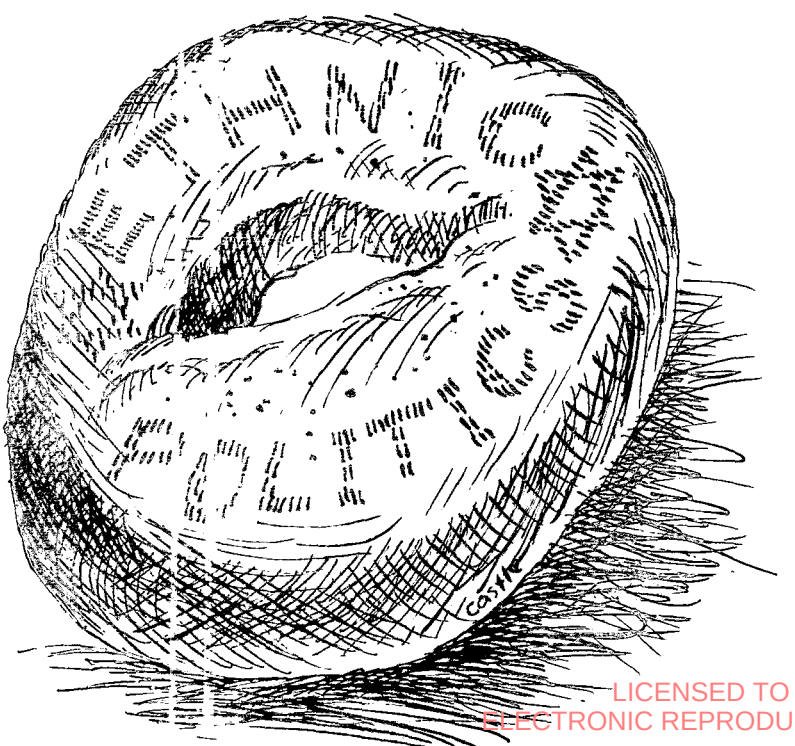
come chairman of the Democratic Caucus. Changes in the seniority system allowed a newly-elected member with a talent for legislative politicking to surface rapidly.

Berman was Majority Leader, close to the Governor and the Speaker. (This may explain the constant hollows under his eyes. McCarthy likes an early start in the morning, and Brown is famous for his one a.m. conferences.) Their good friend, Hershel Rosenthal, was in the Assembly, giving Berman that important second vote. Rosenthal also shared a district office with Waxman, giving each an unmatched ability to service constituents on the federal and state levels and to expand their base in a community where Waxman was already a household word.

There have been setbacks. Last year, they supported Mayor Tom Bradley's aide, Frances Savitch, to succeed Ed Edelman in the City Council. Despite massive expenditures and endorsements by the powerful, she lost to 26-year-old Zev Yaroslavsky. In March, Berman backed off his announced plans to run for the Congressional seat that Tom Rees suddenly no longer wanted. Rumors abounded to explain Berman's change of heart, but the truth may well be that he simply did not want to risk being Assembly Majority Leader to run against Beilenson, who had been in the Legislature for fourteen years and who had a "free ride" as a state Senator not up for reelection.

What has been most interesting about Waxman and Berman so far is not what they have run for, but how they have run. It is a sociological, almost academic, approach which is at its best among ethnic voters. The theorist is ethnic sociologist, Howard Elinson, an orthodox Jew who had little involvement in politics before he became friends with Waxman at college. Elinson's specialty is identifying the various sub-cultures within a district and tracing them through housing patterns. Working closely with Michael Berman, who left Berkeley to run Waxman's 1968 campaign, he analyzes the lifestyle, attitudes, and voting behavior of each group. Michael Berman is the technician who translates the theory into a system the computer can understand, while Elinson writes the literature for each targeted group.

The fine-tuned targeting permits them to be aggressively outspoken on key issues — what Michael calls "the cutting edge." They will take a firm position on a controversial issue and gain the loyalty of 70 percent of voters in an area, even if it means writing off the other 30 percent. If the literature is not bland, it is also not beautiful. Ink colors range from black to blue (blue half-tones for liberals), always on uncoated white paper, and nearly always, with an unsmiling Howard Berman holding a telephone to his ear.



The sociology also has made the strategy team sensitive to the concept of "social fit." Berman and Elinson were delighted with Rosenthal in the 45th, but less than happy about Mayesh, a dark-haired Sephardic Jew from West Los Angeles in the white, working-class 53rd Assembly district. The concept also may have been a factor in the decision not to run against Beilenson. Berman might be perceived as too young, too brash, too labor-linked for the establishment-liberal 23rd Senate district, which fit Beilenson like a Gucci glove.

Ethnic strategy

The strategy stumbles in mixed or changing suburbs that defy sociological classification, and Berman was relieved to lose the west San Fernando Valley to reapportionment. They are also poor street fighters, despite their aggressiveness. Other political pros believe that Mayesh lost because he failed to mount a stinging, personal counter-attack on Bannai, and Berman's people are embarrassed about a 1972 piece comparing Conrad's failure to stay in college with Berman's UCLA law degree.

Michael Berman and Elinson are an in-house operation. They work only where there is a connection by blood, friendship, or obligation (such as Jordan Daniels, a former Waxman aide who entered a City Council race against Bradley candidate Dave Cunningham. Despite misgivings about Daniels' chances, Michael Berman managed the campaign.) Offers from "outside" candidates are routinely turned down.

Behind the pragmatic politics is an almost doctrinaire liberalism. Both Waxman and Berman are staunch supporters of civil liberties, labor, Israel, and equality for minorities and women. They are more New Deal than New Spirit and still see problems as things that need money thrown at them.

The essential difference between the two is style, and here, perhaps, anatomy is destiny. Waxman, dark haired with thick brows and a wide moustache, has been known to remind a resistant colleague of something dear to his heart about to come before a committee where Waxman has votes. Berman is literally the fair-haired, blue-eyed boy. Inclined to be modest about his power, he exasperates his brother by being "too tolerant," and by talking issues into the night when he should have laid the quid pro quo on the line and gone to bed. Berman also has a habit of taking center stage on visible but dangerous issues like medical malpractice, farm labor, and campaign spending limits (which he authored and then dropped.) His confidence as a legislative problem-solver is probably well placed. He has a disciplined, quick mind, and he is tough enough to take abuse without caving in.

Waxman, on the other hand, tired of quixotic battles during the reapportionment struggle and seems to prefer ideological issues with a solid political base whose time has come — like the Waxman-Dymally Political Reform Act of 1974, the Fair Credit for Women Act, and, now in Congress, national health insurance and clean air legislation.

Each man's style makes good use of the political potential of his district. Waxman has one of the last of the ethnic bloc votes, and he has shown that he can both get it and deliver it. Berman's affluent, hillside constituents devour the *Los Angeles Times* with morning coffee and bagels and then call his office to let him know what they think. They also contribute to campaigns. Those hills may be shaky, geologically and politically, but they are quite a base for leadership.

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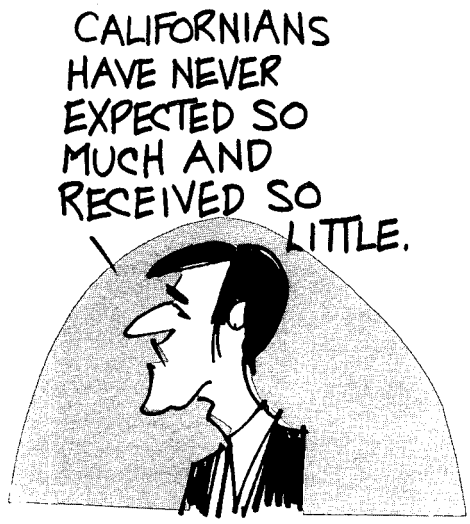

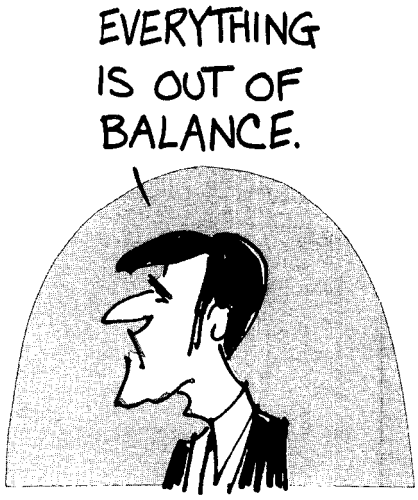

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RETIREMENT OF RURAL REPRESENTATIVE

Davis' one-of-a-kind versus the leadership's royal flush

By LEAH CARTABRUNO

It was the closing days of last June's legislative session, right before the summer recess. Assembly Speaker pro Tempore John Knox reassured Assemblywoman Pauline Davis that, although a number of bills had been taken up out of order, "we won't go home until we get to yours" — Davis' item 97 on the agenda. Davis waited patiently for two more hours and then was on her feet again seeking recognition: "Mr. Speaker." Silence. "Mr. Speaker."

Knox sighed, looked around the room, and said to no one in particular, "Friends, it will be a lot faster if we take up Mrs. Davis' item and then go back for the rest." There was laughter which Davis ignored. She then took up her bill successfully.

Pauline Davis seldom loses. This dogged determination, added to an ability to find the pivotal position and an uncanny memory, has made Davis "the most effective legislator in representing her district's special needs that I have ever seen," in Speaker Leo McCarthy's words. Knox calls her very tough and an extremely able district legislator. Former Speaker Jesse Unruh described a fair deal with Pauline as: "You give her a multi-million dollar dam, and she compliments you on your tie." Two veteran Assembly colleagues recall the days when "Pauline did what Ken Meade just did, held up the budget for one of her 'access' roads."

When Davis leaves at the end of this session after 24 years representing her rural constituency, the Assembly will lose a unique legislator who rewrote the legislative rules so that her one-of-a-kind could beat the leadership's royal flush. The Legislature will never be the same. Local fairs will have lost their best advocate and the small schools their best defender. The Rules Committee will be a piece of cake, and the Governor ought to breathe a lot easier. The Democratic caucus will have to be run differently.

Penetrating camouflage

Congressman William Ketchum, a former Republican Assemblyman from Bakersfield, ranks Davis as "one of the best woman legislators I've served with, in the same league with (Congresswomen) Barbara Jordan of Texas and Margie Holt of Maryland." Ketchum recalls an incident the late Assemblyman Alan Pattee related to him. Pattee had a well-camouflaged, public-works appropriations bill for his district moving through the Assembly. Davis found it while doing her Ways and Means Committee homework. She told Pattee she wanted half for a project in her district. Pattee agreed. Half an appropriation was better than none.

Davis' attitude has never been taken as personal by her colleagues, but they described it as "intransigent," "stubborn," "intractable," "selfish," and "unwilling to see the overall picture." While most said they had been stymied by her on occasion, and angry with her when it happened, they could see her point of view. Still, one said she should have sacrificed a little. But Davis gives no quarter on anything she sees as harmful to her district. She explains that urban legislators do not understand what effect their bills can have on a county with a small tax base. She says there is a triple hardship realized by most small counties because so much property is publicly owned, primarily by the federal government.

Contrary to Ketchum's classification of her as a "woman legislator," most Capitol people view Davis as a legislator who happens to be a woman. Her speech is almost free of gender, referring to someone as a "young person" or a "colleague" rather than using a sexually oriented word. Davis doesn't use feminine wiles to get her way. Rather, her tenure was marked with up-front, direct confrontation. "But," adds Ketchum, "she was always a lady about it."

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Pauline was a hero during the Unruh lock-up because she controlled the key to the pink restroom in the old chamber — the only decent place to lie down.

Know thy district

For a number of years, Davis was the only woman in the Legislature. In the heyday of ex-Assemblymen John Quimby and the late Carlos Bee, humor at political dinners was often risqué. In deference to Davis, they designed the program to work gradually into the "raw stuff." When she found it objectionable, she left unobtrusively. "It was always a matter of much conjecture as to when Pauline would leave," remarked one political veteran.

When asked what advice she would give to women elected to public office, Davis cautiously began: "Know your district." It must have been her personal eleventh commandment over the years. She continued, "Represent your district. Establish a posture that will recognize you as a legislator and not as a woman. Don't expect favors. Understand and recognize that a man thinks differently, and train yourself to know how men think. That way, you will be able to maneuver."

It might be "Mrs. Davis" in Sacramento but, in her sprawling district, the people call her "Pauline." When Davis announced her retirement last December, it caught her constituents by surprise. As a lame duck, Davis expected to see the workload lightened. Instead, the load got heavier. Her people wanted the "old master" to attend to their problems and didn't want to entrust them to the "apprentice" coming up. But the feelings run both ways. Davis' voice betrays her emotions when she talks of leaving her constituents.

Bohemian jokes

Realizing she projects a forbidding image, Davis protests she is not at all cold. Despite her Anglo-sounding surname, Davis' roots are central European. Her ancestors are from Bohemia, a part of western Czechoslovakia that includes Prague. She once surprised then-Speaker Bob Moretti, who was pursuing Spanish as a second language, by speaking to him in her own language — Bohemian. Her staff says she tells great Bohemian jokes. Her grandparents were pioneers who came across the plains to Nebraska in covered wagons to start a cattle ranch. They were very active Democrats and most of their children and grandchildren followed suit. However, a Nebraska cattle-ranch Democrat born on January 3, 1917 is still a very different creature than one born in an urban environment during the depression or World War II.

She had to come to California before she met Lester Davis, a fellow Nebraskan. Davis was a long-distance operator when she married. She speaks of her marriage in glowing terms, emphasizing that you hesitate to marry again when you don't know whether it could ever be duplicated. When Lester Davis was elected to office, the salary was $100 a month, gross. Pauline did what was then a common practice; she became secretary to her husband and five other assemblymen.

In 1952, after the primary election, Lester Davis died of a heart attack at the age of 47. His 35-year-old wife was asked to run, and she and five other candidates appeared before a nominating convention. She won the nomination and, as a bonus, a lawsuit disputing her candidacy. At that time, there was no law that allowed the party to choose its nominee after the death of the primary winner. She won the lawsuit and the election, packed up her three small children and came to Sacramento for the 1953 session. The salary had just been increased to $300 a month.

Jitterbug and bump

She took her office and her family seriously and worked hard at both. But, contrary to the opinion of some, there is no shortage of levity in Davis' life. She loves music — "but not rock and roll" — and to dance. (Aide Peggy Lee says she does a great jitterbug and learned to do the bump last Christmas, just days after she had her gall bladder out.) She has a few things in common with Roosevelt Grier: both are Democrats, do needlepoint and are avid football fans. She enjoys watching all kinds of sports, except for boxing and wrestling, and attended all the ice-hockey games she could at the Aksarben ("That's Nebraska spelled backwards") Coliseum.

Davis has always found working on houses and decorating them interesting. She likes to paint and wallpaper, and has retiled the kitchen of her home in Plumas County. It is this avocation that will become her vocation when she opens up "Pauline Davis' Curiosity Shoppe" in old Sacramento. The home decorating and accessory boutique was scheduled to open before Christmas but, with some irony, it will not because of an electricians' strike. After years of impeding organized labor, the unions will have their brief, if unintentional, revenge.

Not yet 60, Davis also plans to do campaign consulting and does not rule out either running for statewide office or remarrying. It is almost as if she has fulfilled her obligations to her constituents and her family (her son, the youngest child, just finished law school and recently married), and now she's free to do some things she always wanted to do while she's young enough to do them.

Davis cites these positive plans as her reason for leaving the Legislature. Congressman Ketchum said, "It wouldn't surprise me if she were quitting because the place has gone to hell. There's no decorum." While insisting that is not why she's leaving, Davis agrees that the Legislature today lacks decorum. She feels Speaker McCarthy would have it otherwise because "he has class," but knows it would be "most difficult for him to do so and retain his seat as Speaker." Sometimes the behavior bothers her, but she senses her philosophy is somewhat out of step."

She feels much of the fellowship is gone. Previously, when there was a death in the family, everyone rallied. There's a gap there now. Two other factors added to the change:

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Growing partisanship has made "the people the losers," in Davis' estimation. And, while she feels Proposition 9 (The 1974 Political Reform Act) had to occur, she feels the social functions gave opposing factions the opportunity to know one another and understand the philosophy of each.

The fellowship gap

One change she would like to see happen concerns the relationship between the Governor and the Legislature. She wishes there was one. Saying that she has known Jerry Brown since he was a young child, Davis feels he is making a serious mistake in not recognizing the problems of the Legislature. She thinks a better liaison is needed, and that "Mr. McCarthy tried to establish this" but to no avail. She didn't consider Brown's conduct at the New York convention a credit to the state or his party. She feels Brown's major interest should be campaigning in California and not out of state. "About 75 percent of his thoughts are looking at 1980, and he is not shouldering his responsibility for the state."

Respect is a key word in the Davis vernacular. Dignity is another. "Uncle Frank" Lanterman, a venerated Assembly veteran, cautioned to "tell Pauline's story with dignity." When asked about the classic stories regarding Davis' hard-boiled attitude toward staff and people, Lanterman smiled and nodded, "She's mellowed." But Davis claims she hasn't changed. A two-term Assemblyman admitted changing his feelings toward Pauline, which are now warm and friendly. When asked who changed, he didn't hesitate a second: "I did."

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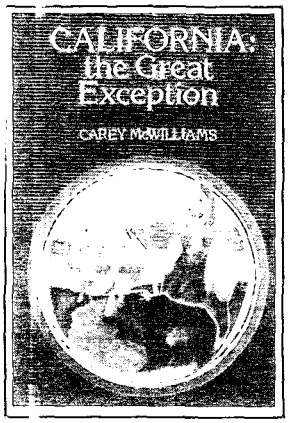

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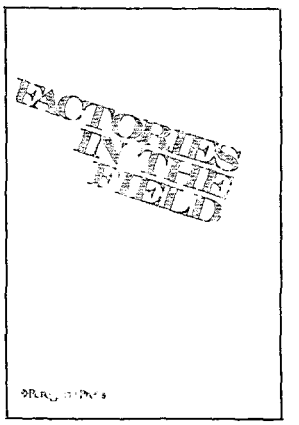

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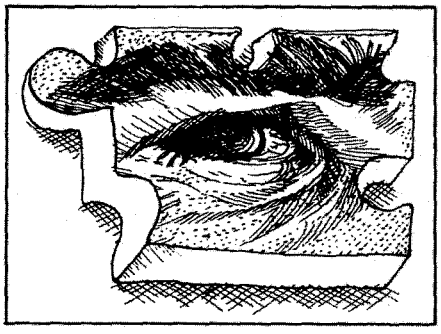
THE HANDWRITING ON THE WALL

A graphological solution to the Jerry Brown puzzle



By JEANNETTE NELSON and BERT NELSON

It may never replace Monopoly, but among games politically minded people play it is hard to top "Who (or What) Is The Real Jerry Brown?" Long a best seller on the California circuit, The Jerry Brown puzzle caught on nationally during the presidential campaign.

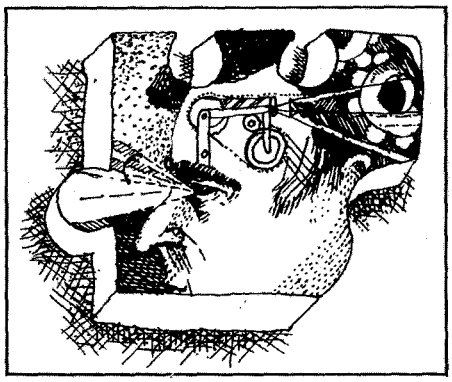
Everyone, from pundit to concerned citizen, makes his or her own rules for the game. You can use the traditional source of information, the free and not-so free press or the "canned" television offerings. You can gather statements from his well-known parents and co-workers. You can study Brown's astrological charts.

But there also is a hitherto unused method of assessing the true Jerry Brown. From it may come facets of personality and character that are unrecognized in their entirety by the closest of observers — or perhaps by Brown himself. This tool is graphology, commonly known as handwriting analysis. Not everyone is convinced of graphology's accuracy, of course, and there isn't space to offer proof here. It is taught in European universities (including the Sorbonne), is used in personnel work by some of the largest corporations in America, and is used in criminal work by some law enforcement agencies. A careful analysis by a skilled graphologist can be amazingly revealing.

Handwriting samples from Brown are limited. A graphologist would prefer to work from the original of several pages written over a period of time. The analysis that follows is based primarily on one sample, the highly publicized letter to Linda, the girl who sought Brown's photograph to complete her Bicentennial project and received it only after his apparent refusal became a *cause célèbre*. Under the best circumstances, a handwriting analysis may be correct in 90 percent or more of its findings. Reliability may suffer a bit from use of such a limited source but could still approach the nine-out-of-ten range.

We won't attempt to compare the results of this analysis with the popular image of the Governor. That's up to you. We won't explain what it is about the handwriting that produces the interpretation which follows. That would take a book in itself. Here is what graphology has to add to the "Who (or What) Is The Real Jerry Brown?" game.

CANDOR. The Governor wants us to believe other than the complete truth about himself in only one major respect. Signatures by themselves are poor graphological subjects because sometimes they are contrived. But even when they are not, they will tell us what the writer wants us to think of him. Often this is very different from what the writer really is. In Brown's case, his signature claims to be that of a completely outspoken person, a man of candor. But the body of his writing reveals that he is much more inclined to be diplomatic (or political), to say the right thing at the right time.



INTELLECT. From his overall writing, we learn his thoughts and actions are based on judgment rather than emotion. Though not an inconoclast, he is not confined to traditional or conventional thinking and acting patterns. He is his own man and unlikely to act impulsively. Spontaneity has been discarded in favor of the intellectual and reasoning powers which control his responses. New ideas are welcomed only after thorough and concentrated investigation. Otherwise, he tends to have a one-track mind and is somewhat narrow. He can be a nitpicker.

FRUGALITY. The governor holds a tight rein on his judgments where money is involved. He can be quite frugal to prove a point. There are few moments of spontaneous generosity.

THOUGHT PROCESS. Acute deliberation of issues, in minute detail, prevails in Brown's approach to life and work. He may become too submerged in intricate detail. Not an expansive thinker, but rather a keen, logical builder-of-fact kind of thinker, the Governor only occasionally allows intuitive instincts to play a small role. Brown is more responsive to his environment than to the people in it,

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State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

EDMUND G. BROWN JR.
GOVERNOR

March 5, 1976

Yes, Linda, there is a Governor in California. Your letter and perseverance have reached him.

Good luck on your project and may it be but a beginning.

Jerry Brown

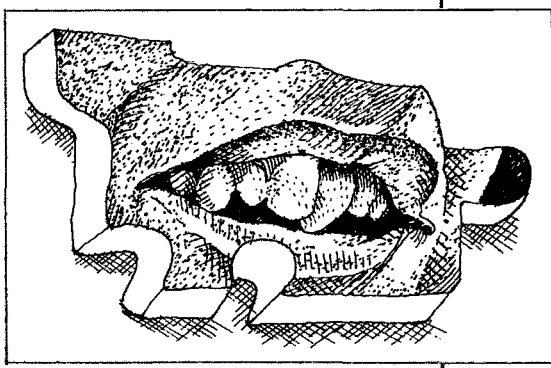
but his sympathy for others is revealed in a moderate way. Experiences with friends, peers and relatives, however, affect him quite deeply and are long remembered. Irritation and stubborness crop up frequently when he is surrounded by those who do not understand his sometimes unconventional thought processes.

SKEPTICISM. There is a quality of skepticism and selfcenteredness about Brown which may be regarded as indifference. But while he is usually cool and reserved, one appreciates his rational and objective viewpoints. He neither lingers in past memories nor is absorbed in future hopes.

WORK HABITS. Though moods and work habits can be erratic and irregular, Brown is a diligent and precise worker. On the other hand, when he becomes tired and bored, perhaps because of his intense concentration on details, he can lose interest quickly.

TENSION. Discouragement and depression, often due to over-exertion, sometimes deplete his energies. He has the ability to snap back. Tendencies toward tension and nervousness are released in daily activities. An inclination to categorize can cause him to miss the shades of grey. A lack of desire to expand on the whole tends to make him repressed and nervous. He is not a relaxed person.

DELIBERATION. Although disliking those who cannot make up their minds, the governor will deliberate and ponder, sometimes needlessly, before making a decision. Strong will and determination allow him to persevere in the face of odds. The tougher the going, the more he will forge ahead. Innate honesty and forthrightness make him totally dislike those who are not frank and who evade the issues. Telling the facts as he sees them, without regard for the feelings or attitudes of others, is deeply ingrained in him.



CONVERSATION. Although not a speechmaker, Brown loves to talk. He enjoys personal and often lengthy discussions, be they heavy or light and whether or not he fancies the subject. It's the conversation itself he most enjoys — the subject can be anything.

MISCELLANY. Brown shows signs of restlessness, irritability, rigidity and over-critical attitudes. At the same time, he cares deeply about issues and circumstances and resulting conditions and endeavors to keep them in proper balance. He tends to be objective, realistic, critical and matter of fact. He is impatient. He is good and kind, has reverence for his Maker, and possesses a strong pride in, dedication to, and profound respect for his ideals.

Right on or way off?

Does this compare with your solution to the Jerry Brown puzzle? Or would you prefer Monopoly?

Jeannette Nelson is a practicing graphologist, and her husband, Bert, is editor and publisher of Track & Field News.

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Seven grades for legislators

By Joan Reiss

Environmental and labor organizations have been battling each other over the past few years on coastal and other conservation legislation. Yet, an analysis of scorecards compiled by seven special-interest organizations shows that during 1975 some 16 Senate and 22 Assembly members maintained a fragile peace with both groups. Less surprising is the fact that 37 of the 38 legislators are Democrats.

Here is a list of the organizations and the votes used by each to compile the ratings:

American Civil Liberties Union (ACLU) — 8 Senate and 7 Assembly bills on civil-liberties issues.

Americans for Democratic Action (ADA) — 14 Senate and 15 Assembly votes concerned with tax reform, collective bargaining, employment practices and personal freedom.

California Labor Federation, AFL-CIO (CLF) — 11 Senate and 13 Assembly bills concentrating on social insurance, working conditions and labor relations.

California Conservative Union (CCU) — 9 Senate and 11 Assembly measures covering taxes, individual freedoms, morality, government control and safety.

California Teachers Association (CTA) — 8 Senate and 13 Assembly votes on issues involving teachers and education.

California Peace Officers Association (CPOA) — 9 Senate and 10 Assembly bills concerning law and order.

League of Conservation Voters (LCV) — 11 Senate and 14 Assembly bills involving environmental matters.

The basic method of obtaining grades is to divide the number of floor votes cast for an organization's position by the total opportunities to vote. But there are other factors. Three groups — ACLU, CLF and CTA — use both committee and floor votes. The Conservative Union employs a weighting system that produces minus scores for some lawmakers. Absences are recorded as negative votes by the ADA, CCU and CPOA. The CTA tabulated unexcused absences, and LCV counted absences only on defeated measures.

These ratings can provide a basis for identifying liberal and conservative legislators, at least during 1975. Using arbitrary numbers (90 percent or higher ACLU-ADA average, CCU-CPOA average below 40 percent and at least 70 percent from the others), here are the most liberal legislators:

Senators Dunlap, Moscone and Rodda; Assembly members Alatorre, Berman, Calvo, Dixon, Egeland, Hart, Kapiloff, Keene, Keysor, Knox, Lockyer, McCarthy, Miller, Rosenthal, Sieroty, Torres, Vasconcellos, Warren and Wornum. All are Democrats.

The most conservative (CCU-CPOA average 80 percent or higher and ACLU-ADA average below 40 percent):

Senators Deukmejian, Richardson, Russell, Stull, Whetmore; Assemblymen Antonovich, Burke, Cline, Collier and McLennan. All are Republicans.

As in previous years, the scorecards show that the Senate is more conservative than the Assembly, and that ratings of conservative organizations are low because the general complexion of the Legislature is moderate to liberal. The ratings:

SENATE		ACLU	ADA	CLF	CCU	CPOA	CTA	LCV
Alquist	(D)	88	75	87	15	64	83	83
Ayala	(D)	67	75	89	26	72	81	83
Behr	(R)	91	80	73	31	36	69	100
Beilenson	(D)	95	80	70	4	18	75	100
Berryhill	(R)	8	20	6	77	54	47	31
Carpenter	(R)	35	10	10	84	54	32	30
Collier	(D)	76	60	92	32	54	52	50
Cusanovich	(R)	35	25	31	65	64	64	23
Deukmejian	(R)	38	10	18	88	82	50	43
Dills	(D)	71	75	100	15	54	100	55
Dunlap	(D)	91	90	95	10	18	72	92
Garcia	(D)	79	80	100	2	45	71	89
Greene	(D)	82	93	91	29	45	80	80
Gregorio	(D)	78	90	86	5	64	83	92
Grunsky	(R)	52	30	38	42	45	67	54
Holden	(D)	76	85	94	10	64	88	79
Holmdahl	(D)	45	50	83	37	64	42	58
Kennick	(D)	79	50	100	0	18	71	80
Marks	(R)	78	95	94	4	64	100	80
Mills	(D)	73	75	93	10	27	64	92
Moscone	(D)	93	90	100	4	36	*	82
Nejedly	(R)	52	65	72	50	82	80	80
Petris	(D)	82	95	88	–3	45	80	93
Presley	(D)	61	70	74	31	91	82	73
Rains	(D)	77	80	94	26	54	75	83
Richardson	(R)	25	10	0	95	72	12	0
Robbins	(D)	74	75	95	23	45	39	83
Roberti	(D)	85	100	100	5	45	68	79
Rodda	(D)	81	100	93	10	54	86	93
Russell	(R)	24	10	15	97	82	65	36
Schrade	(R)	35	30	43	65	54	82	57
Smith	(D)	83	95	100	15	72	96	93
Song	(D)	100	70	87	–4	18	56	82
Stevens	(R)	65	50	38	68	82	50	71
Stiern	(D)	52	45	57	56	54	50	38
Stull	(R)	26	20	15	93	72	57	27
Way	(R)	23	15	12	76	82	43	36
Wedworth	(D)	71	50	77	35	72	53	60
Whetmore	(R)	29	10	6	93	82	35	31
Zenovich	(D)	79	75	75	0	45	59	73
AVERAGE		**64**	**60**	**67**	**36**	**56**	**66**	**67**

ASSEMBLY		ACLU	ADA	CLF	CCU	CPOA	CTA	LCV
Alatorre	(D)	95	95	100	10	15	81	75
Antonovich	(R)	17	15	6	100	92	61	20
Arnett	(R)	55	30	27	54	85	67	47
Badham	(R)	32	0	0	94	77	45	17
Bane	(D)	76	80	93	3	30	93	82
Bannai	(R)	46	35	31	56	53	81	31
Berman	(D)	97	95	95	0	15	77	93
Beverly	(R)	65	40	31	56	85	62	56
Boatwright	(D)	77	65	71	20	53	70	80
Briggs	(R)	20	30	31	87	69	46	38
Brown	(D)	100	75	91	2	8	54	83
Burke	(R)	15	5	11	100	85	70	13
Calvo	(D)	92	95	94	5	30	88	94
Campbell	(R)	32	15	0	79	85	46	27
Carpenter	(D)	76	90	100	10	30	89	54
Chacon	(D)	85	75	92	15	38	64	71
Chappie	(R)	46	30	47	71	77	85	38
Chel	(D)	92	85	87	10	38	100	59
Chimbole	(D)	60	55	90	25	62	87	50
Cline	(R)	14	5	13	91	85	64	31
Collier	(R)	24	5	8	94	77	46	25
Craven	(R)	56	20	20	82	62	53	43
Cullen	(D)	80	70	93	2	15	86	64
Davis	(D)	48	40	59	31	46	62	29
Deddeh	(D)	90	85	74	15	53	96	82
Dixon	(D)	88	100	100	4	30	78	81
Duffy	(R)	48	40	33	44	69	85	47
Egeland	(D)	90	90	100	10	30	88	87
Fenton	(D)	75	85	100	15	69	94	76
Foran	(D)	88	85	90	4	15	67	88
Garamendi	(D)	63	85	80	15	38	93	69
Goggin	(D)	90	85	94	3	38	86	88
Greene, L.	(D)	74	85	100	10	15	73	76
Gualco	(D)	82	85	100	3	38	100	88
Hart	(D)	91	100	100	4	23	81	88
Hayden	(R)	61	60	64	46	77	89	87
Hughes	(D)	85	70	100	10	15	*	*
Ingalls	(D)	86	80	100	4	38	86	88
Kapiloff	(D)	96	95	100	4	23	94	88
Keene	(D)	91	95	100	10	30	100	71
Keysor	(D)	95	85	100	9	15	85	80
Knox	(D)	88	95	100	4	30	87	79
Lancaster	(R)	43	10	6	91	62	52	27
Lanterman	(R)	38	25	29	76	69	62	25
Lewis	(R)	54	20	39	55	69	74	60
Lockyer	(D)	88	100	94	10	23	93	88
MacDonald	(D)	70	70	73	8	46	52	81
Maddy	(R)	79	70	61	26	38	82	65
McAlister	(D)	68	75	78	25	77	92	75
McCarthy	(D)	95	95	93	–1	15	100	88
McLennan	(R)	13	0	8	91	92	46	9
McVittie	(D)	70	65	50	20	53	88	59
Meade	(D)	100	75	91	3	0	53	100
Miller	(D)	96	95	91	5	15	43	86
Mobley	(R)	29	15	15	81	69	62	21
Montoya	(D)	81	70	100	2	46	75	75
Mori	(D)	84	86	100	16	38	92	80
Murphy	(R)	59	45	23	55	38	63	44
Nestande	(R)	61	60	54	54	77	80	53
Nimmo	(R)	41	35	47	62	85	71	40
Papan	(D)	93	95	96	10	46	86	76
Perino	(D)	68	65	83	9	46	84	69
Priolo	(R)	37	35	27	65	77	53	43
Ralph	(D)	94	95	87	5	15	86	79
Robinson	(D)	57	70	79	26	53	73	56
Rosenthal	(D)	96	100	100	5	15	100	82
Sieroty	(D)	94	100	89	4	8	73	86
Suitt	(D)	62	45	100	22	38	79	57
Thomas, V.	(D)	75	75	70	27	62	100	57
Thomas, W.	(R)	55	35	36	56	69	93	24
Thurman	(D)	76	75	100	25	38	93	71
Torres	(D)	88	95	100	10	38	80	73
Tucker	(D)	83	50	100	15	23	*	78
Vasconcellos	(D)	100	95	69	2	8	46	86
Vicencia	(D)	91	90	93	10	46	77	76
Warren	(D)	88	95	88	4	30	76	80
Wilson	(D)	80	85	71	20	46	79	71
Wornum	(D)	91	100	100	5	23	87	100
AVERAGE		**70**	**65**	**70**	**30**	**46**	**75**	**65**

*Rating not compiled

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Proposition 9's surprise impact on moneyed lobbyists

By LISA A. HILL

With the enactment of Proposition 9 more than a year and a half ago many Californians predicted the extinction of multi-client and corporation lobbyists who, for so many years, were reputed to rely on big expense accounts to nail down votes in the Legislature. The law was expected to eliminate the corrupting influence of campaign contributions and entertainment, and render representatives of the moneyed interests virtually powerless.

Contract or multi-client lobbyists, who reported spending large sums entertaining legislators, were supposedly on their way out and "good guy" lobbyists with limited budgets were supposed to play a stronger role. The expected changeover has not taken place. It's safe to say that most of the lobbyists ranked in the top 20 by legislators two years ago are still considered tops by fellow lobbyists and lawmakers today. (See *CJ*, September 1974.)

As it turned out, the influential lobbyists, thought doomed by Proposition 9, have adapted well to the new reforms -- better, in fact, than many so-called public-interest advocates who complain that money may still be a significant factor in lobbying success. Although the "brown baggers" need no longer compete for legislative ears with direct campaign contributions or free meals, they have found themselves struggling under the sharp-pencilled auditing of the state Franchise Tax Board.

Still too little money

With small staffs and limited budgets, public-interest advocates can't afford the expert counsel needed to interpret the strict reporting requirements of the law. "In this sense, Proposition 9 has actually served as a grandfathering clause for the established lobbies," said Bill Keese, a representative of the California Dental Association and head of an association of lobbyists. "The law was intended to be a spur to grass-roots politics, but the effect has been totally the opposite."

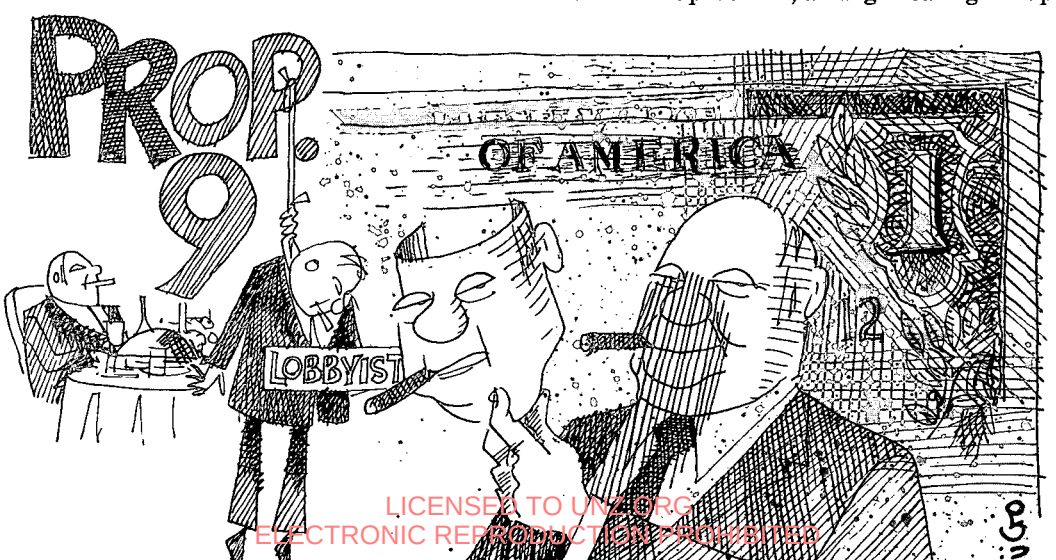
The reporting requirements of Proposition 9 may have handicapped public-interest lobbies, but that does not explain the unexpected survival of the more traditional advocates. The explanation lies in the fact that money had begun to lose its influence over votes long before the political reform law went into effect. As early as 1966, a shift from a part-time to a nearly full-time Legislature started changing the legislator-lobbyist relationship in Sacramento.

"This used to be kind of a bachelor's institute," said Frank Mesple, the lobbyist for Sacramento County. With the Legislature lengthening its sessions, many lawmakers and lobbyists, once thrown on one another for after-hours companionship, moved their families to Sacramento. The atmosphere became more conducive to work than play.

Some critics maintain that these were superficial changes that did not curb the undue influence of the free-spending lobbyist, and that Proposition 9 was needed to complete the changeover. Lobbyists say they were prepared for some immediate differences in the way they operated. They also contend that the most important tools of the trade — credibility, expert knowledge, personality and salesmanship — have not changed. Advocates, as many lobbyists prefer to be called, have always said that no amount of money will sell an argument that doesn't wash. The lawmaker today is likely to know more about California's problems and his constituents than did his predecessor.

The legislator now has a full-time staff to write bills, solve constituent problems, arrange hearings and provide expert

The author prepared this article as a Journal *intern from a government-studies program based at Sacramento State University.*



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advice. "In the early 60's, lobbyists spent 100 percent of their time on legislators. Now I would say, I spend at least 50 percent of my time with staff members," said Jack Crose, a top multi-client lobbyist. As a result, the advocate is forced to approach staff members and legislators with sound arguments.

Steering a lawmaker wrong is almost suicidal, according to legislator-turned-lobbyist Joe Gonsalves, who tells the story of an advocate blackballed by legislators after he supplied one with false information. The successful lobbyist has found he must serve as a credible source of information, even to the point of presenting facts that don't necessarily provide direct support for his position. That's the only way to keep doors open, they say.

"Now, there are those who pine for the good old days," said Mesple. "But those weren't the good old days. They were far more corrupt than today." Many lobbyists, like Mesple, welcomed the end of these "good old days." After spending the day dealing with clients, rounding up votes from uncommitted legislators, getting witnesses for committee hearings, preparing testimony and briefs on legislation, and roaming the Capitol halls in search of friendly ears, the "new-breed" lobbyist says he's satisfied with the idea of going home to relax. "Since I've been here, the tales of the past have been overrated," said Gonsalves.

Communication obstruction

It is naïve to think that then-Secretary of State Jerry Brown and the other sponsors of Proposition 9 believed that the law would deal a death blow to big business representatives. Yet, voters, who probably viewed that as the result of the act they were voting for, probably are surprised by the result. Special-interest lobbyists have survived, not solely because of the expense accounts they manipulate, but because of the friendships they have developed over the years.

Lobbyists and legislators commiserate over what they call "the period of hesitancy" that stopped the two-way flow of information between the groups for many months following the enactment of Proposition 9. "We have been afraid to shake hands without rubber gloves," Gonsalves said. Even long-term relationships between families of legislators and lobbyists were frozen during the months after the law went into effect.

The atmosphere is loosening up as the Fair Political Practices Commission (FPPC) issues regulations implementing the law. Old ties are being reestablished, albeit on a cautious note. The wives of lobbyists and legislators, who once lunched together and socialized freely, now follow the separate-checks rule that applies to their husbands, said Crose. In some cases, lawmakers are even buying lunch for lobbyists.

The fifty or so contract or multi-client lobbyists, probably the most visible targets of Proposition 9, are not the only onces who've had to alter their styles to conform with the law. More than two-thirds of the registered lobbyists are salaried employees of businesses and governmental agencies who lobby in the Capitol only as required. About 100 more are full-time lobbyists for firms or associations such as the League of California Cities and the California Peace Officers Association. These advocates also have been forced to proceed with caution, devoting greater attention to required reporting procedures so they don't run afoul of the law.

Lobbyists and lawmakers say they support full disclosure of expenditures and gifts, but many charge that the FPPC has enforced the law to a trivial extent, subverting the original intent which was to allow the under-funded interests a fair shake at the lobby process.

THE 1976 POLITICAL RULEBOOK

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All the candidates for the November election have now been chosen, and if you're supporting any of them with more than your heart, watch out. You could get in trouble with the law. Whether you are a candidate, treasurer, contributor or campaign worker, you could easily run afoul of the new state and federal campaign statutes.

One way to protect yourself is to hire an accountant and a lawyer to make sure everything you do is strictly legal. But the easy way to place the new rulebook of the political game at your fingertips is to obtain a copy of the **California Journal Practical Guide to State and National Campaign Reform Laws.**

This 12-page booklet, prepared in an easy-to-understand question-and-answer format, will solve most problems of those who feel that the rewards of participation outweigh the perils of inadvertent violation of campaign regulations. It is an essential document to anyone doing much more in the election process than voting.

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Keese, president of the Institute of Governmental Advocates which has challenged several provisions of the law, explained that Proposition 9 paperwork is so complex, it actually works against the public right to review disclosures. He adds that until the seasoned legislators and lobbyists leave the political arena, special-interest representatives with established reputations and relationships appear to have the odds in their favor.

Where does all this leave the public-interest advocates who pinned their hopes of greater legislative access on Proposition 9? Until the law's reporting procedures are relaxed (and FPPC Chairman Dan Lowenstein says they will be), the "brown baggers" will have to struggle with procedural requirements. However, the law is still working in their favor since it has eliminated the necessity for a large bankroll, once considered a prerequisite to being heard. The one advantage public-interest groups may have is members — and that translates into votes — and that is a powerful influence on legislators.

In the final analysis, the way lobbyists go about their business is still largely a reflection of the way individual legislators go about their work. "At least, after being tugged and pulled by those for and against a major piece of legislation, there shouldn't be anyone sitting up there in those chairs who doesn't know who is for and against it, and what the impact of the bill will be," Mesple commented.

Some lawmakers regularly go along with corporate spokesmen while others are more apt to listen to the representatives of consumer organizations. The lobbyist must focus on a third group of legislators, the uncommitted lawmakers. Because of reforms that began as long as 11 years ago, it is more likely than ever that the facts will speak for themselves.

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ANGELS AND ROCK CONCERTS

The fast-fund formula for the Brown campaign

By JERRI EIGELOW

"I don't care how you get the money, just get it to me this week." With that oft-repeated appeal, fundraisers for Governor Edmund G. Brown Jr. set in motion a presidential-campaign effort that raised $1.4 million in 60 days (and about $2 million overall) despite a $1,000 limit on contributions.

Brown appointed Michael (Mickey) Kantor, an attorney in the law firm that houses State Democratic Chairman Charles Manatt, to head the campaign. Goal one: raising one million dollars virtually overnight. The post of finance chairman went to San Diego banker Richard Silberman, but the nuts and bolts of the operation were handed to Cathy O'Neill, an aide to United States Senator John Tunney and a former candidate for Secretary of State and state Senate.

Raising money requires an organization and a cause. It also requires lawyers and accountants because of the prohibitions in the Federal Campaign Act, the most important of which is the $1,000 limit on the amount an individual can donate to the campaign of any candidate for federal office. And that included Brown. Silberman said the $1,000 limit worked a hardship on Brown, perhaps more than other candidates, because time was working against him. "But on the plus side," he added, "it involved a lot more people."

O'Neill and Silberman identified about 50 financial angels, primarily in Southern California, who would be receptive to Brown and his philosophy — individuals like Warren Beatty, Jack Lemmon, Jeff Wald and Stanley Sheinbaum. Each of these in turn persuaded three friends in and out of California to contribute to the campaign. Sixty private meetings were scheduled in the Sacramento Governor's office, in Los Angeles and San Francisco so that potential donors (which included labor, business and political leaders) could meet with Brown and exchange ideas. Two major dinners in Los Angeles and San Francisco netted $150,000. The last step was to arrange four rock concerts starring Linda Ronstadt and Helen Reddy.

The author, a free-lance writer in Sacramento, has worked in the Brown Administration and for several Democratic officials.

Fund-raising bonanza

All these activities paid off. Within 60 days, the organization had raised $1.4 million, 80 percent of it from California. By convention time, the total hit $1.8 million, $400,000 of it in federal matching funds. To qualify for the federal funds, a presidential candidate must raise $5,000 in each of 20 states with donations of no more than $250 per contributor. Alice Travis, a Brown appointee to the California Council on Criminal Justice and a volunteer in the campaign, was in charge of acquiring matching funds. She reported that the Brown committee was able to raise over $100,000 in 22 states because "we were in such a hurry, we allowed the states the luxury of doing what they felt would work best — without spending much money."

Nuns from New Jersey, an Indian named Painted War Horse from Washington, a former Carter organizer from Rhode Island, farm workers from Texas, a disc jockey from Montana . . . all contributed time and money to the Brown cause. A man from Michigan, suffering from a collapsed lung, apologized for not being able to raise more than $2,500. Supporters established storefront offices, installed phones and distributed their own Brown literature. The national Brown committee did not authorize these activities, and thus could not be held legally accountable for them. The loose situation kept the Brown campaign within the law, but it did create some confusion. A volunteer organizer in the state of Washington reported, "The Brown people told me that if I could raise $5,000 in matching funds in this state, they would return $4,000 to cover our expenses." O'Neill and Travis deny this promise was ever made to anyone.

A team of 20 volunteers and three paid staffers put the fundraising concept together and made it work. Among those most instrumental in raising money was the candidate's father, former-Governor Pat Brown. He contacted friends throughout the country seeking financial support. His friends in Hawaii put a small ad in the local paper and raised $3,000 in five days. "Of all the people I contacted, only one didn't come through," reported Brown Senior. *(CONTINUED)*

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Most campaign workers thought Brown's appeal brought home the money. As Silberman put it, "The major reason why money came in was that Governor Brown is a fresh new face — new ideas, dynamic in his approach, and he brought the 'reform-candidate' image to the people." But Travis dissented: "The success could be attributed to the women who were running the whole show and the fact it was much harder to turn down a feminine appeal." While Silberman maintains that no one has taken credit for anything in the campaign, eight other fundraising volunteers are taking personal plaudits for raising amounts varying from $15,000 in 10 days to $35,000 in five weeks.

The intensity of the campaign took its toll on O'Neill. "I became a wreck," she said. "My hair turned grey, more wrinkles appeared on my face, knots in my stomach. There just didn't seem to be enough people or time to do it. I became physically ill, and it was the hardest thing I've ever done in my life. It will be a long time before I do it again."

The efforts of O'Neill and company produced a surplus of funds — or at least Brown thought so. After the federal matching funds became available and the nomination was lost to Jimmy Carter, Brown made the decision to spend $80,000 on a nationwide television appearance. But the Federal Elections Commission balked at paying the $228,000 in matching funds Brown claims he should get based primarily on proceeds from the rock concerts. The problem was a lack of evidence that the tickets were bought with the knowledge that the proceeds would go to Brown's campaign.

Without the matching funds, the campaign would be in debt. With the federal money, there could be a balance. Brown could give the surplus to his favorite charity, return it to Uncle Sam or hold it for a start on his next run for the presidency. If Carter should lose in November, Brown's holdover kitty could give him a flying start for the Democratic primaries only three-and-a-half years away.

Who gave what to whom

Who gave what to whom for the June state primary election? In past years, obtaining information of that sort required many hours of digging in the archives of the Secretary of State's office. Now, for the first time in state history, a handy guide is available detailing campaign contributions and expenditures. The analysis, compiled by the state Fair Political Practices Commission, shows that major spenders provided a total of almost $6 million for the June primary campaigns, most of it for and against the Nuclear Power Plants Initiative. Highlights of the report:

Major donors:

Major committee contributions (total $5.9 million) — Donors of at least $100,000 and the primary recipients:

Association for Better Citizenship (California Teachers Association), $133,000, primarily to legislative candidates.

California Dental Political Action Committee, $142,000, to legislative candidates and the committee's national parent organization.

California Medical Political Action Committee, $107,000, mostly to legislative candidates, with the biggest recipient ($12,000) Mayor Warren Widener of Berkeley, unsuccessful opponent of Assemblyman John J. Miller.

California State Employees Association, $148,000, primarily to legislative candidates.

Law offices of Furth and Furth, $117,000, largely a loan to unsuccessful state Senate candidate Fred Furth of San Francisco.

General Atomic, $124,000, all in opposition to the nuclear initiative (Proposition 15).

General Electric, $223,000, all against Proposition 15.

Gun Owners of California, $115,000, for support of legislative candidates and transfer to Gun Owners of America campaign committee.

Occidental Life Insurance Company, primarily to oppose a proposition eliminating the home-office tax exemption for insurance companies.

Pacific Gas and Electric Company, $471,000, mostly to oppose Proposition 15.

San Diego Gas and Electric, $145,000, largely to defeat Proposition 15.

Southern California Edison, $118,000, mostly to oppose the nuclear measure.

Westinghouse Electric Company, $137,000, all against Proposition 15.

Legislative recipients:

Assembly receipts (total $3.7 million) — contributions totalling $40,000 or more:

Michael Wornum (Inc. D), $43,000; Warren Widener (D), $50,000; Art Agnos (D), $60,000; Ken Maddy (Inc. R), $41,000; Tom Bane (Inc. D), $80,000; Herschel Rosenthal (Inc. D), $53,000; Teresa Hughes (Inc. D), $74,000; Curtis Tucker (Inc. D), $49,000; Jerry Hilby (R), $50,000; Spencer Douglass (R), $58,000; Paul Bannai (Inc. R), $57,000; Bill McVittie (Inc. D), $63,000; Andrew Banks (R), $55,000; Bruce Nestande (Inc. R), $53,000; Richard Robinson (Inc. D), $91,000; Jim Slemons (R), $59,000; Marian Bergeson (R), $51,000; Tom Suitt (Inc. D), $70,000.

Senate receipts (total $2 million) — contributions totalling $50,000 or more:

Randolph Collier (Inc. D), $136,000; Fred Furth (D), $212,000; Robert Mendelsohn (D), $68,000; Alfred Alquist (Inc. D), $60,000; George Deukmejian (Inc. R), $77,000; John Briggs (R), $229,000; Paul Carpenter (D), $82,000; Robert Battin (D), $61,000.

Candidate to candidate:

Contributions by candidate-controlled committees to other candidates ($5,000 minimum):

Assemblyman Bill Lockyer, $5,000 to four Assembly candidates.

Assembly Speaker Leo McCarthy, $16,000 from three funds, primarily to help Assemblymen John Miller and Vic Fazio.

Assemblyman Lou Papan, $5,700, mostly to a city council candidate and Fazio.

Assemblyman Howard Berman, $7,000, mostly to four legislative candidates.

Proposition totals:

Contributions to committees campaigning for or against passage of ballot propositions (total $5.2 million) — $100,000 or more:

Proposition 6 (eliminating insurance company home-office deduction) — Opposition, $234,000, all from insurance industry sources.

Proposition 8 (authorizing public agencies to deposit funds in savings-and-loan associations) — Support, $164,000, provided by savings-and-loan associations.

Proposition 12 (revising the state usury law) — Support, $419,000, all from large industrial firms and financial institutions.

Proposition 15 (nuclear power plants initiative) — Support, $1.58 million from numerous conservation organizations and individuals; opposition, $2.8 million, primarily from corporations and labor organizations.

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STATE SAVINGS AND LOAN

What happened to housing for the poor?

By JOHN CHEEVERS

Remember when the Legislature created the California Housing Finance Agency (CHFA) last year? It was heralded as a "billion-dollar attack" on inadequate housing in California. The CHFA was authorized to spend up to $950 million in state bond revenues to build and rehabilitate low- and moderate-income housing. Liberals breathed a sigh of relief that the state finally was doing something about the growing shortage of affordable housing. Bankers, builders, construction unions, and savings and loan executives were grateful for the economic shot in the arm the bill was supposed to give the state's lagging housing industry. Even conservatives, long opposed to the state "getting into the housing business," applauded the fiscal conservatism with which CHFA programs were to be administered.

Now, critics charge that CHFA is becoming altogether too stingy. They say the agency's negotiations last month over "clean up" amendments to the enabling legislation, AB 1X, reveal a tendency to appease skittish bondbuyers and legislators at the expense of the housing-short poor — a tendency that could crimp CHFA's ability to finance the vast numbers of units necessary to make any real dent in the state's housing problems. So restrictive is CHFA in its home loans, according to one observer, that it is becoming "little more than a savings and loan for the middle class."

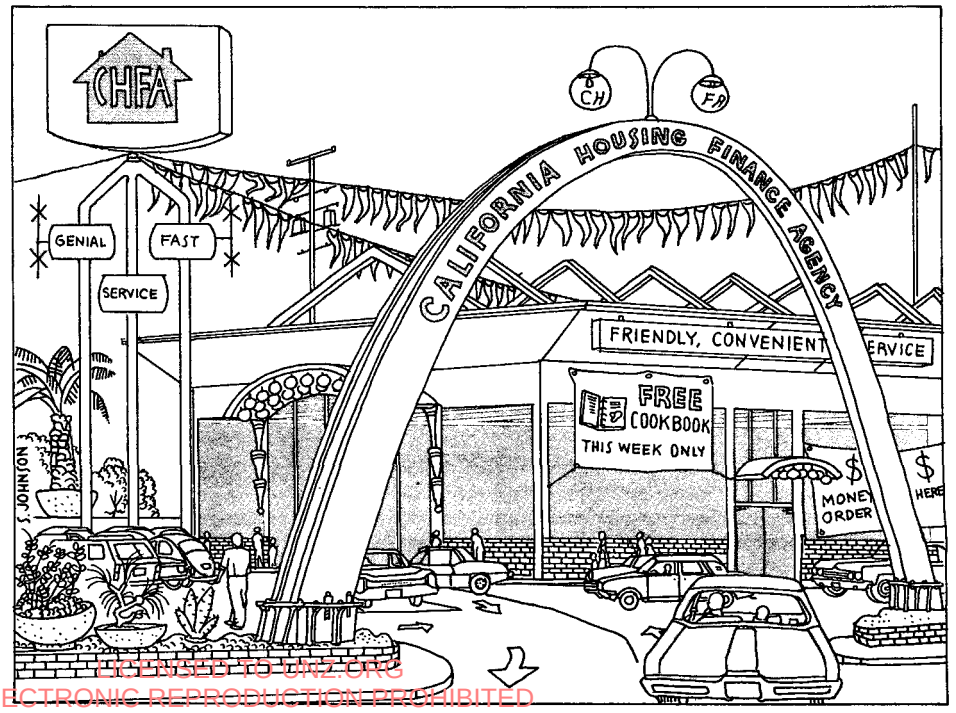
For months, the agency has been plagued by internal difficulties, a lawsuit which held up the sale of millions of dollars in CHFA bonds, and the procedural problems, both political and financial, inherent in trying to build and rehabilitate housing on a statewide scale. Governor Brown kept the agency in limbo for several months last fall by failing to appoint a board of directors or a permanent president. Rumors circulated that CHFA's bond counsel was inadequate and that acting president S. Michael Elliott, a deputy of Business and Transportation Secretary Don Burns, was spending too little time on agency matters. Topping it off, CHFA's staff, recruited largely from the long-established Massachusetts Housing Finance Agency, has been slow to grasp the intricacies of California's urban and rural housing needs.

Of prime concern to involved legislators last year was CHFA's ability to steer clear of the kind of problems that swamped New York's Urban Development Corporation (UDC) in the wake of nearly a decade of wild spending and fiscal mismangement. (UDC defaulted on some of its $2 billion worth of bonds early last year.) Many lawmakers sought assurances that CHFA would not become a "giveaway" or cost taxpayers if any projects defaulted. In response, the agency's proponents structured it conservatively, more on the pattern of Massachusetts' agency, and promised it would act in a responsible manner.

Conservative structure

But today's critics say that CHFA's architects conceded too much, putting the agency in the same straitjacket that has caused stockholder-conscious private lenders to shun loans in risky ghetto and rural neighborhoods. The agency was purposely constructed like a savings and loan — complete with presidents and vice presidents instead of a director and deputy directors — to inspire investor confidence. Said George Beattie, attorney for the Sacramento Housing and Redevelopment Agency and former Assembly housing specialist: "There is a tendency for the people at CHFA to be so fiscally oriented that investors think it's a private lender. But the problem is that the agency is a public lender — and you've got to take higher risks for social purposes."

To date, CHFA has committed less



The author, a senior majoring in political science at the University of California, Berkeley, is a summer intern with the Journal.

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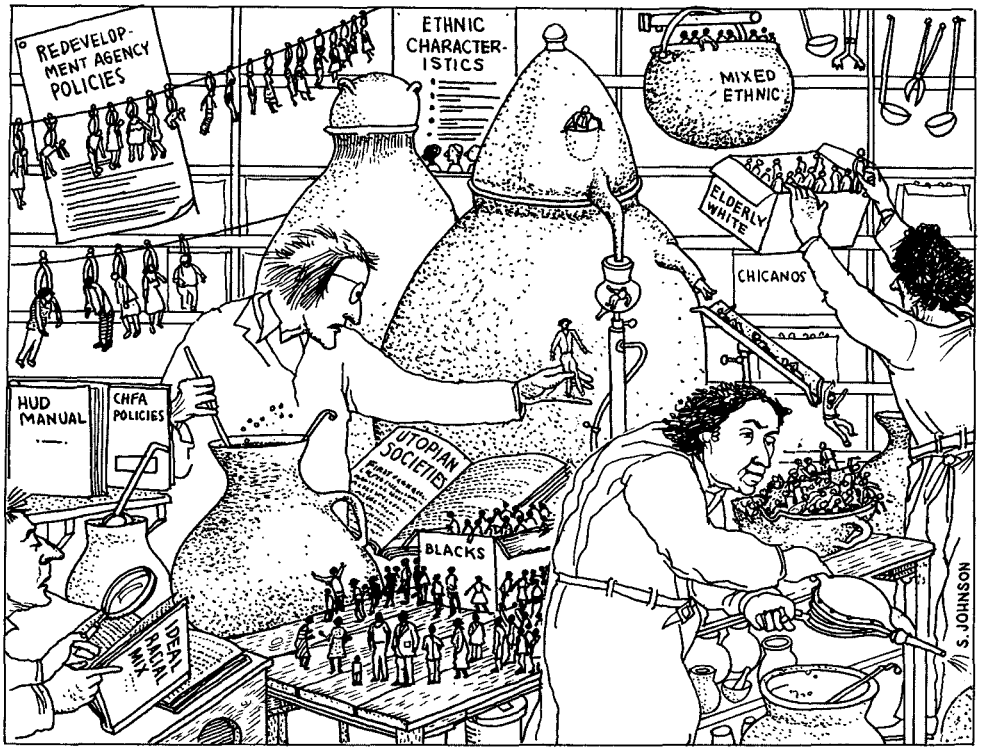

SOCIAL ALCHEMY
(Seeking to Create the Ideal Housing Mix)

than $15 million of its vast resources to waiting developers. Most of the agency's construction loans are slated for politically unobtrusive "garden apartments" for the elderly in places like Mill Valley, Lafayette, West Covina, and Saratoga. One such project is even planned for South Lake Tahoe. This pattern of suburban loans has begun to draw fire from inner-city community groups and officials who say the agency is stalling on their funding applications.

These center-city types claim CHFA lacks the real concern and ability to deal with politically less desirable low-income projects which attract minority families as tenants. Instead, they say the agency is developing a bias for more financially secure suburban projects that are attractive — and more lucrative — to builders and bondholders. "The real question," said Arnold Sternberg, director of the state department of Housing and Community Development and a CHFA board member, "is whether the money is going to areas of greatest need, or just 'good, bankable sites.'"

Much of CHFA's reluctance to embark on any large-scale housing projects is grounded in uncertainty over the legal status of its bonds. CHFA lawyers in March requested a ruling from the state Supreme Court on two counts: if the bonds violate the constitutionally-mandated ceiling on California's bonded indebtedness, and if the bonds could be invalidated as an illegal lending of public credit. But the key issue is the applicability of Article 34 of the state Constitution to CHFA-financed projects. Article 34 requires a local referendum on all low-income housing construction. In July, the court ruled that while the issuance of the bonds itself was constitutional, the requirements of Article 34 must be fulfilled before any CHFA projects can be built.

The court's decision put the agency's low-income apartment construction program in severe jeopardy, and made the agency's plan to scatter its projects between cities and suburbs extremely difficult. Few suburbanites are likely to vote for high-rise apartment projects that will bring low-income Blacks and other minorities into their neighborhoods, although they will probably approve projects for the elderly. "Nobody minds about grandma moving in," said George Beattie, "but if its Black welfare mothers with ten kids — watch out."

CHFA officials are more optimistic. The agency's home-ownership loan program, since it probably cannot be construed as direct construction of housing by a public agency, will not be affected by the decision. Conceivably, the agency could escape Article 34 elections on all its multiple-unit projects if the state Supreme Court rules that the November bond election constitutes a "local referendum," but such an interpretation is unlikely. Several large cities throughout the state have already held Article 34 elections to accommodate possible future Federal Home Administration low-income construction. Voters have approved 17,000 such units statewide. But the cities involved — San Francisco, Oakland, Los Angeles and Sacramento — have a fairly strong history of community and editorial support for public housing, and many of the units approved are designated for the elderly.

Definition in question

CHFA has filed an appeal with the court requesting a legal definition of what constitutes "low-income housing." The closest California courts have come to such a definition was a 1973 ruling by a Marin County Superior Court in *Winkelman v. Tiburon* that held legal the below-market sale of city-owned land to the developer of an apartment complex with 30 percent low-income tenants. CHFA lawyers hope to use *Winkelman* to argue for a ruling that some of the agency's "mixed-income" projects (those with one-third low- and two-thirds moderate-income tenants), are not subject to Article 34. As a last resort, CHFA may seek statutory changes to limit the agency's direct construction loans only to those for moderate-income housing — a move that is sure to spark heavy opposition among low-income tenants who would be cut out of CHFA's programs.

The most unpredictable element in CHFA's future is the fate of $500 million in general obligation bonds — over half the agency's total bond authorization — that will be voted on as Proposition 1 on the November ballot. (CHFA's other $450 million in bond authorizations is divided up between taxable and non-taxable revenue bonds.) So far, little organized effort has been made to promote the passage of the general obligation bonds. State Senator George Zenovich, one of AB 1X's three legislative midwives, said a campaign committee would be formed to "barnstorm the state" this fall. Several state officials, including Attorney General Evelle Younger, already are pushing the bonds as a much-needed boost for California's severely-depressed housing industry.

CHFA's board of directors, a balanced group politically and geographically, will be conspicuously absent from the campaign, barred from active participation by Proposition 9 (The Political Reform Act of 1974.) The committee's fundraising goal: $300,000. Campaign finance chairman Alan Brown, a retired Bank of America senior vice-president, said only a small fraction of that has been collected so far.

The campaign committee may be in for some rough sledding trying to sell a

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half-billion-dollar bond issue, especially if opponents are able to label those bonds as building housing for the poor in a "social engineering" experiment. There are some indications already that just such a campaign will be waged. The ballot argument against the bonds was written by Republican legislators, state Senator H. L. Richardson and Assemblyman Robert Cline, and reads in part: "Proposition 1 is a half-billion-dollar boondoggle to finance 'low and moderate' income housing — it finances 'affirmative action' housing to be erected in middle-income neighborhoods to eliminate 'racial isolation.'"

State officials, in turn, are making every effort to side-step the race issue. Said Business and Transportation Secretary Burns, "Our goal is not to break up racial isolation, although our programs may have that effect. The agency's purpose is not integration."

Faced with these realities, CHFA lobbyists worked hard this summer to shape the "clean up" legislation that finalized the agency's operating rules. CHFA beat back a move to subject it to the same budget review as other departments, claiming it is a semi-autonomous, quasi-public corporation. Agency backers were also successful in substituting state guarantees for federal on $150 million in nontaxable bonds, making them available for immediate use.

Out, out damn quota

One of CHFA's most significant maneuvers was an aborted attempt to relieve the agency of any prescribed quotas for housing for the poor. The statute requires that 30 percent of all CHFA-financed units be reserved for the poor, unless federal subsidies are unavailable. (It was estimated this provision would bring in $560 million in Section 8 rent subsidies over the 40-year life of the program.) The agency wanted an amendment that would have applied the 30-percent requirement on a program-by-program basis, rather than on the overall number of units produced.

While on the face of it this looks like it would strengthen the position of the poor, it actually would substantially weaken their case. The catch: only available subsidies would trigger the 30-percent requirement. The only subsidy the federal government offers is the Section 8 rent subsidy. Therefore, under the proposed amendments, only the apartment construction program would have the 30-percent requirement; the other programs would be exempted. In turn, this would allow most CHFA money to be poured into moderate-income homeowner loans, a more politically and financially attractive proposition than low-income housing construction.

"When Section 8 subsidies were exhausted," explained George Beattie, "CHFA would have faced no statutory constraints on to whom it could loan. The agency could say, 'We've used up all our federal subsidies, so we've got no (legal) obligation to risk making a lot of loans for the poor.' They could have made all their loans to middle income people."

Outcries from poverty lawyers and pressure from state Senators Arlen Gregorio and Nicholas Petris forced CHFA to withdraw the amendment. But critics maintain that the episode is part of a pattern emerging at CHFA. Bob Frank, a housing consultant to the Senate, claims that if the agency is able to secure legislative relaxation of the 30-percent requirement, it will pump most of its money into what are called MBS's — the agency's shorthand for "mortgage-backed securities," a program that will pay substantial dividends to savings and loans at the expense of the housing-short poor.

Under the MBS program, CHFA would contract with the savings and loans to make mortgage loans for the purchase of owner-occupied dwellings in redlined neighborhoods at six and a quarter percent interest. CHFA would then purchase these mortgages and issue an MBS, paying six and a quarter percent on the security, to the savings and loan. This exchange is also called a "pass-through" and has the same effect as if the S&L hadn't sold the mortgage or bought the MBS at all: payments are received from the homeowner, paid to CHFA and repaid to the S&L. Who benefits? Moderate-income homeowners, if they can meet the stringent loan requirements. And savings and loans which, when the Internal Revenue Service makes an expected ruling that the interest-income on MBS's is tax-free, will make up to 13 or 14 percent on each MBS they handle — a rate far higher than what S&L's usually get for mortgage loans.

Most observers agree that CHFA will not undertake any major program of construction or rehabilitation until its legal problems are resolved and the November bond election is held. Meanwhile, political realities and financial restrictions have had a noticeable effect on the agency's policies. Brian Paddock, director of the Western Center on Law and Poverty, summed up CHFA's institutional frame of mind this way: "The staff is looking for easy problems to solve. They've decided that appearing to solve the redlining problem (by increasing the availability of mortgage loans) is easier than actually constructing housing. CHFA's basic mission — to build housing — is being ignored."

Available again . . .

The Dynamic Duo

Now Available: The 1976-77 edition of the California Government and Politics Annual and the California Journal Almanac on State Government and Politics.

The Annual

Edited primarily for classroom use, this seventh edition will include a new section on the rise of commission government in California. Most of the articles are drawn from the past year's issues of the Journal. The Annual offers by far the most current information on California government and politics available for ready reference or classroom use.

The Almanac

This is the reference book that has become a must for every office, library and desk of anyone interested in state government and politics. It is crammed with data on elected officials, elections, the judiciary, finance and higher education. A second edition will not be published until next summer.

The Annual is $3.45 and the Almanac $3.13, including sales tax. Either book can be ordered from the California Journal, 1617 10th St., Sacramento 95814.

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California *CAPSULES*

LA city school board deadlocks over chauffeur-driven cars The Los Angeles Board of Education still hasn't decided whether to halt the use of chauffeur-driven cars by its members. In an attempt to eliminate the special fringe benefit, board member Howard Miller introduced a motion to ban the service paid for by the district. It takes four aye votes for passage, and the board was deadlocked at 3 to 3. But board president, Julian Nava, was on vacation. Miller announced his intention to ask for Nava's vote on his return. Now back, Nava said he will not make his position known until all members of the board are present. With summer vacations in full swing, full attendance is not expected until after Labor Day. (Nava is believed to be against Miller's motion.)

Like magic, freeway diamond lanes disappear United States District Judge Matthew Byrne suspended the controversial Santa Monica freeway diamond lanes until the state Department of Transportation files environmental-impact statements with the federal and state governments. Hours after the pronouncement, motorists were driving in the preferential lanes and the Highway Patrol stopped ticketing violators. The ruling may stall other slated diamond-lane projects planned for the San Bernardino, Ventura, San Diego and Artesia-Long Beach freeways. Some CalTrans officials think a strategic blunder was made in choosing the Santa Monica project as the first because it used the two existing fast lanes on a heavily travelled freeway as the preferential lanes for buses and car pools during rush hours. On other projects, CalTrans planned to use improved shoulders or by-pass lanes on selected on-ramps as the preferential lane. Byrne's decision hinged on hotly debated statistics attempting to show increased bus ridership and car pool usage during the experiment. Meanwhile, Senator Lou Cusanovich's urgency bill, SB2205, designed to prohibit diamond lanes without the express approval of the Legislature, was blocked in the Assembly by Speaker Leo McCarthy, a close ally of the Brown Administration.

Industrial Welfare Commission adopts $2.50 mininum wage The state Industrial Welfare Commission adopted new regulations which include a $2.50 per hour minimum wage and the granting to male workers benefits previously given only to female workers. The current state minimum wage is $2, and the federal standard is between $2.20 and $2.30 an hour. A "learners" mininum wage of $2.15 an hour was set for workers without prior experience. Some of the benefits gained by male workers include automatic time-and-a-half overtime pay for work longer than eight hours a day and 40 hours a week, and a requirement that seats be provided close to work stations, where possible.

One tax relief measure passes for poor, seniors The Legislature passed an $85 million tax relief bill for the poor and the elderly. It is the only major tax bill to survive the session. AB2972, authored by Assemblyman Dan Boatwright, sets up a senior-citizen renter's assistance program for those with incomes under $5,000; provides assistance to seniors for the first $8,500 of assessed valuation (previous limit was $7,500) under the Senior Citizen Property Tax Assistance Act; removes the statutory prohibition currently preventing homeowners who receive public aid from claiming the homeowners' property tax exemption; and increases the amount earned before income taxes must be paid from $4,000 to $5,000 for an individual and from $8,000 to $10,000 for a married couple. The latter provision was included in Governor Brown's state-of-the-state proposals this year.

Creation of new county up for vote on LA's fall ballot A plan to create a new county out of the northwest corner of the present Los Angeles County will be on the ballot for Los Angeles residents on November 2nd. The new county would be composed of 67,000 people living in and around the Santa Clarita Valley, including the communities of Newhall, Saugus, Valencia, and Gorman. Canyon County, if approved by a majority of the voters both within the proposed county and within the existing county, would be the first new California county formed since Imperial in 1907. The ballot proposal followed a positive finding on the economic feasibility by a county formation commission and the collection of signatures from 25 percent of the new county's residents. (See "The Move to Secede from Los Angeles County," *CJ*, April 1976.)

Choice between Governor and elderly on food stamps Democrats on the California Congressional delegation found themselves in a tough position in the jockeying done by the Brown Administration over the food-stamp program for senior citizens. The Governor wanted the state out of the high cost of administering the program, and needed Congressional approval. San Fernando Valley representative James C. Corman carried the bill for him, but Congressman William Ketchum of Bakersfield proposed an amendment which would allow California to continue to be a "cash out" food-stamp state. This amendment would have had the effect of turning more money over to the aged — posing a distinct choice between the senior citizen and the Governor. Three California Democrats, Yvonne Brathwaite Burke, Ron Dellums, and George Miller, first voted against the Ketchum amendment and with the Governor. When it was certain that the amendment was defeated, all three changed sides and the record now shows them on the side of the elderly.

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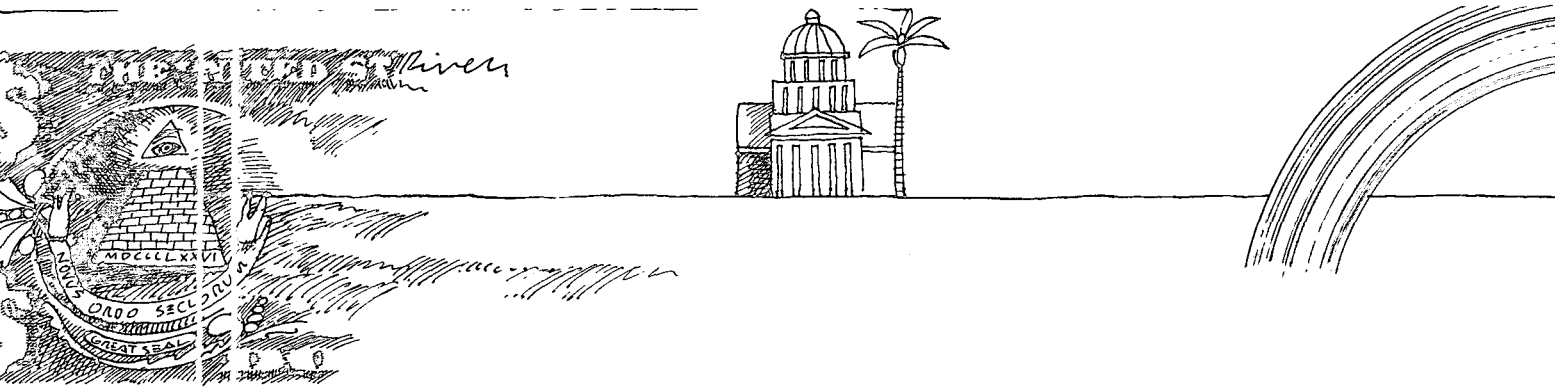
BEADS, BANDANNAS AND BLUE JEANS

The arts council only a Governor can love



By LYNN R. ADDISON

What California has in its eight-month-old Arts Council is what nobody bargained for except, perhaps, Governor Brown, who appointed the nine council members at the beginning of this year. Beads, bandannas, blue jeans, and a combination of perceptive thinking and bureaucratic naïveté characterize the men and women who will direct the expenditure of $1.4 million — the state's arts budget for 1976-77.

The new council was created by SB1024, winner of last year's battle of the bills that followed Brown's abolition of the old California Arts Commission. SB1024 was the Governor's brainchild and it left some legislators with arts bills of their own more than a little miffed. But Brown has his own ideas about arts support: "If you want something new or original . . . you have to struggle. The whole idea is to keep things unrigid."

Brown chose eight working artists and one arts administrator to "encourage and nourish" the arts in California. Since beginning in January, the council has been criticized as both too slow to accomplish anything and too naïve to legislate. A close look at the council and what it has done may give critics a pause.

By far the loudest and most influential critics have been California's legislators. "We've inherited their mood," lamented deputy director Julia Connor at the council's April meeting in Santa Cruz, "and we can't disburse it." The mood of the Legislature has been ornery, to say the least. Complaints about the old arts commission have contributed significantly to the skepticism regarding government support for the arts.

Cries of "pork barrelism" were among the accusations. The commission's grant panel method for dealing with funding requests left much to be desired. Administrators and board members of arts organizations that applied for funds sat on the panels reviewing their own proposals. Although they left the room when their organizations' requests were discussed, they returned to vote on competing panel members' requests. The Joint Committee on the Arts, formed in 1974 to study the question of public support for the arts and headed by Senator Arlen Gregorio, reviewed grants issued during fiscal years 1973-74 and 1974-75 and found that from a fifth to a third of all grant money went to organizations with representatives on the panels.

The author is a free-lance writer based in Palo Alto.

Joint Committee probe

The joint committee also found the old commission had no identifiable goals or impact. It was simply distributing a hodge-podge of operational expense subsidy grants and grants for new projects. Arts organizations, particularly the more traditional ones, were getting all the money. The commission appeared to be suffering from an abundance of wealthy art patrons with "needy" friends and a lack of concrete policy.

When the new council began, it faced not only the commission's reputation but the anger of Gregorio and his joint committee. Their investigative efforts culminated in a lengthy report to the Legislature and in SB484 — Gregorio's innovative arts bill which sought to disperse decision-making authority to a grass-roots level and avoid a panel-controlled, direct subsidy grant approach.

Both report and bill were by-passed and the spurned Gregorio is not above a few acrid remarks. At a recent meeting of Belmont community artists and art groups, he remarked that although he would withhold "real judgement and significant criticism" of the new council until they've "gotten their act together," he is "really very disturbed" and thinks "we've lost a lot of ground." Peter Herman, a member of the Senator's staff and the man who has directed

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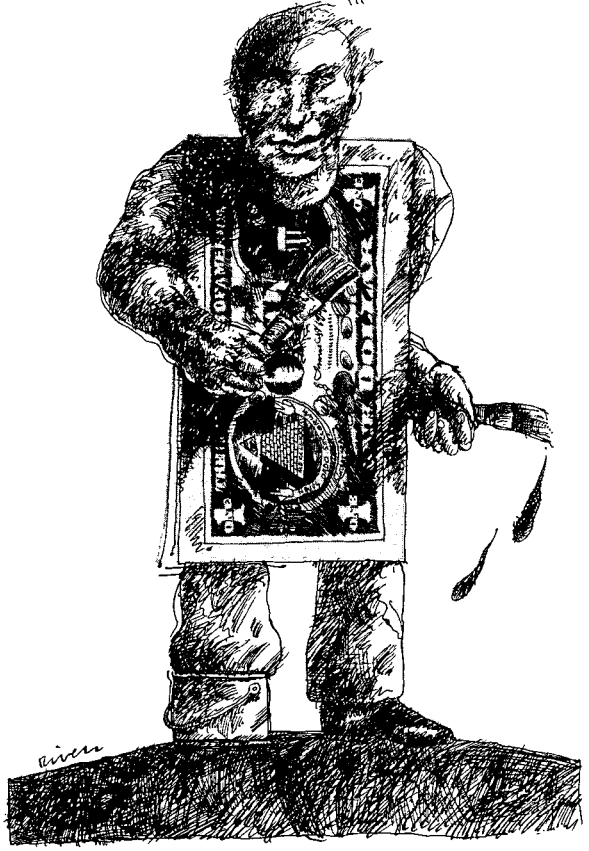

Gregorio's arts efforts since 1973, shows less restraint in his criticism. "Instead of arrogant patrons, we now have arrogant artists," Herman charges. He is particularly distressed by the council members' lack of political sophistication.

Legislators already think the council is a farce, Herman says. And part of the reason is that its members publicly say "dumb things they should only say behind closed doors." One of the "dumb things" Herman refers to is a remark made by council member Allaudin Mathieu at the group's first meeting in Los Angeles. Mathieu said, "Our job is to teach the people who make laws how to redirect $12 billion (the entire state budget) so that the people of California can be more aesthetic and more beautiful. It's a re-education, or perhaps a raising of ideals of the people who spend money."

Mathieu's indulgence apparently was perceived as a political threat by others besides Herman, most notably Senators Alfred Alquist and Randolph Collier, members of the Senate Finance Subcommittee which in April reviewed the Governor's $1.4 million art budget request for 1976-77. That subcommittee refused to approve more than $200,000 for administrative costs until the council could present concrete policy and procedures.

Brown expressed a view of the problem during his 1974 gubernatorial campaign. "Art is basically antipolitical," he said. "When Ibsen talks about his plays he says he writes for himself — a majority of one. But, in politics, we are dealing with general interests. Politics works by expressing the will of the majority tempered by the basic rights of the minority. Art, on the other hand, is individualistic." The group of individual working artists on the council is a natural anathema to the group of politicians in the Legislature.

Name that organism

"This is an organic process," says Gary Snyder, Pulitzer Prize-winning poet and council chairperson. Only the type of organism is likely to be disputed by legislative critics. "SB1024 doesn't say anything!" Herman cries. "The council hasn't said anthing," complains the Senate Finance Subcommittee. Arts council supporters say that's just the point, SB1024 gives nine people a chance to say something new and it takes time to say it. Senator Peter Behr was the only member of the three-man subcommittee willing to invest in the arts council's future. "We can't second guess the council," he said. "I would rather move the request out and pray that the council improved the state of the arts."

The council has been trying to do just that. It has approached the problem with some very unconventional techniques that have put off some observers. At the council's February meeting in Oakland, the members settled down to think about art, artists and society. As a first step, each made a list of where each member thought $700,000 worth of state arts money should go. Each councilor participated fully in every discussion. The meeting ended with hands joined around the room and a moment of silence.

Two meetings after Oakland, the council members had constructed five pilot programs. By the end of June, they had funded artists and art projects in schools, communities, prisons, halfway houses, unemployment and welfare offices, farm labor camps, and mental health centers. They funded projects arranged between artists or art groups and nonprofit media organizations, and they funded a limited number of special projects which didn't fall into any other category.

The pilot programs are indicators of the council's general belief in art as essential to positive social change. In their statement of program objectives, the councilors explain their desire to encourage "a greater public awareness of the richness and diversity of the particular 'California aesthetic'" by assisting in the creation of more grass-root popular art from the state's multi-lingual, multi-cultural population.

Up-front bias

"Our programs represent our bias — they represent the areas we want to address," says council member Peter Coyote. "I think the good thing about this council is that it's out front about its political bias. You try to be fair, but you do front your bias. You say, 'these are my beliefs.' The council is not pretending to be a body without beliefs."

A body with beliefs, however, is bound to generate opposition. Susan Billstein, executive director of the old California Arts Commission, applauds the new council's effort to make a "particular point" but hopes future funding decisions will be more reflective of the "total art picture in California." Legislative analyst A. Alan Post is "somewhat concerned" about what he perceives to be a "dishing out" of funds to "parochial interests." And Herman sees the new council as the "flip side" of the old commission — as playing a game of the "ins" versus the "outs," the disenfranchised versus the franchised. This time around it's the disenfranchised artists' turn to be "in."

Some of the theaters, symphonies and ballets that were treated kindly by the old commission are afraid it's their turn to be "out." Coyote believes that in the interest of artistic diversity, if an opera has to cut its budget by two percent to "keep another cousin in existence, so be it. But," he continues, "I'm not into punishing the empire arts. I am into effecting a righteous balance so that the artistic expressions in the state get their fair share of money."

The council's May 15th decisions on special projects can serve as a barometer. Grant recipients included the Sacramento Opera Guild, the Mexican Museum in San Francisco, Bay Area Lawyers for the Arts (an organization that provides artists with legal assistance), the Fresno Arts Quartet, and a group of youngsters in Point Reyes who write and produce their own plays. A total of 51 projects were funded for $189,000. Over 500 proposals had been received.

The difficulty inherent in handling the tremendous volume and variety of requests that fall into a catch-all category like special projects will probably convince the council

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to continue with the program approach it used to allocate most of its first $700,000. (First on this year's list will be a program to deal with the special needs of performing, visual, and technical arts institutions.)

There are several advantages to this approach. It avoids the arbitrary funding of a "hodge-podge" of projects and organizations — a problem the old commission had. It also allows the council to state policy and to fund individuals and groups whose proposals fall within its stated goals. And it provides enough flexibility within each program to allow more community-based decision-making. The way the council's first five pilot programs were worded, choice of artist(s), administration of funds, and general project objectives all involved decisions by program participants. The council funded the programs as packages, allowing both community input and accountability at the state level.

The council's future

In the months to come, the council will probably pursue other proposals Gregorio has outlined. Audience development is a goal and Gregorio's ticket voucher program is a viable approach. Technical assistance to artists and arts organizations is another area that the council has already considered with its special projects grants to two arts lawyers groups. Artists-in-education is another primary concern. One of the original pilot programs as well as a state and National Endowment for the Arts matching grant program for the 1976-77 academic year, will put working artists into California schools.

Things at the council haven't always run smoothly. The three-member staff has had its problems. Eloise Smith, the council's first executive director, resigned in June for "personal reasons," which most guess included not only frustration arising from a prolonged 200-mile separation from her family in Santa Cruz, but also from the fact that deputy director Julia Connor has been wielding what appears to be a disproportionate share of staff power. In view of Connor's previous position as assistant to Jacques Barzaghi, the Governor's arts adviser, her extra bit of clout doesn't seem surprising.

The introduction of Clark Mitze as the new executive director may balance the power more effectively. Mitze comes to the staff from the National Endowment for the Arts' Federal-State Partnership Program and his extensive experience with arts administration and state arts councils should help smooth over some of the council-staff interaction difficulties which have stemmed from Brown's insistence on appointing staff members himself, instead of allowing the council to do so.

The council's biggest frustration has been and will continue to be lack of funds. When special projects proposals alone add up to a request for $5.4 million, $1.4 million seems hardly adequate to serve the needs of Californians. "That amounts to six cents a person," Coyote sighs. "We couldn't buy everybody in the state a pack of gum!"

"Let's find out what these people can do," says Governor Brown. "In a beginner's mind there are many possibilities, in an expert's very few." Ideas are needed and California's new arts councilors have ideas. They may contribute much to defining this state's role in the arts.

ROSTRUM

The Journal *welcomes short letters expressing viewpoints on major issues in state government and politics.*
THE EDITORS

Reform proposals

As a former member and present alternate of the Santa Clara County Republican Central Committee, I read with great interest the article on central committees in your July issue.

If central committees are to become viable to the electoral process, it is vital that the caliber of membership be improved. I suggest two first steps:

1. In order to make it possible for people with new ideas and differing opinions to have a chance to serve on these committees, terms of office should be limited, and the ability to appoint interim members should be eliminated. Committees of both parties are lumbered with "dead-wood do-nothings" who run for reelection year after year and rarely fail to be reelected because they have "incumbent" after their names.

2. The political process operates best when those in decision-making positions are volunteers. The present tendency of county committees is to sit back while a paid staff person runs the show. It has been my experience that volunteers work best under the leadership of other volunteers.

I am convinced that both measures would help place party politics back into the hands of volunteers, where they belong.

VALERIE T. SMULLEN
Santa Clara

Secret lawmaking

I am one of those seeking reform of the initiative process and the originator of the Torres proposal capsuled in the August 1976 *CJ* article, which I think misses a crucial point: While the process is obviously powerful and worth having, it is woefully lacking in checks and balances.

The initial step — the drafting — bothers me the most. It is the only remaining example of lawmaking in secret. Anyone can write an initiative text and completely avoid a public review of the work — until election day. While drafters must retain full power and responsibility for their proposals, there should be public hearings on an initiative text before it is set in concrete.

In addition, I favor public hearings after signatures are gathered so that the campaign can begin with an issues orientation.

The initiative process is worth having and keeping, but it is also worth reforming. At the moment, it is a simple 1-2-3: write a law in secret, rustle up the signatures, and wage a PR campaign. To change our state law ought to require more in the way of thoughtful, public review.

NELSON BRESTOFF
Los Angeles

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THE DREAM MERCHANTS

Got $50,000 in assets? You too can open a law school

By Robert E. Kroll and Mark Trautwein

Bill is a bright, hardworking family man with a dream: he wants to be a lawyer. His goal would be unattainable in almost any state but California. Here, in the land of opportunity, Bill can go to law school at night. Though he doesn't happen to have a college degree, three dozen law schools are beckoning.

Bill, who lives in San Mateo, obtained the 10-page catalogue of the Magna Carta University College of Law in South San Francisco (one of eight night law schools in commuting distance.) The catalogue states: "Magna Carta University opened its doors in December, 1974 to meet the demand of qualified students turned away by the larger, overburdened law schools. Admission to the practice of law in the state of California is a goal kept squarely in sight throughout the four-year program at Magna Carta."

It will be two years before the first graduating class from MCU takes the California Bar exam. If the Magna Carta grads follow the example set by other unaccredited schools, only one in three will become lawyers. Victor Brinecat, president of Magna Carta, is a former student of a small evening law school. He completed one year of study before the school folded and he opened up his own school in a small bank building. "It's a very clean school," he stated several times in an interview.

An inspector for the California State Bar found another feature of Magna Carta's facilities noteworthy: "It was the only school I've visited in which I could stand in one place and hear two lectures simultaneously." The program is clearly going to be an uphill grind for Bill and his three dozen classmates over the next four years.

Though interest in becoming a lawyer is not solely a California phenomenon, the development of dozens of what might literally be called "fly-by-night" law schools is most particularly California-based. The merchants of legal education are capitalizing on a peculiarity of California law which permits people to qualify to take the bar exam in one of three ways: 1) graduation from either an approved or state accredited full-time three-year school; 2) completion of four years of law study at an unaccredited law school; 3) a four-year legal apprenticeship in a private law office. This third option is not commonly used. California is said to have one of the toughest bar exams in the nation. The test is so constructed because of this liberal system of qualifying.

Loose qualifications

Over the years, the California Bar has failed repeatedly in legislative attempts to tighten the qualifying requirements and effectively eliminate unaccredited and correspondence courtesy schools. "Our bill got to be known as a 'cinch' bill, one that would be submitted so a legislator could get a contribution for voting against it," said Kenneth D. McCloskey, administrator of the Committee of Bar Examiners of the state Bar. He said the last reform bill was submitted about seven years ago, and the matter was dropped.

One third of all the law schools in the nation are located in California. Of 57 law schools in the state, only 15 have the imprimatur of the American Bar Association. The remaining 42 span the gamut from the store-front, first-come-first-served school to the respectable state-accredited institution.

Only ten of those 42 non-ABA approved schools are permitted by the state Bar to operate "accredited" law programs. All but seven of the remaining 32 part-time, four-year night schools were created in the last 12 years. Some 18 schools have come into existence in the 1970's alone. When the state Bar's consultant on law schools, John Gorfinkel, was asked what is responsible for this sudden proliferation of law schools, he answered flippantly, "If I knew, I'd kill it." Actually, the answer is readily apparent: The market is there. The Educational Testing Service reports that the number of persons taking law-school admission tests increased from 44,900 in 1965-66 to 135,000 in 1973-74, nearly a 300-percent jump in eight years.

Gorfinkel's rancor is understandable. Former dean of Golden Gate Law School, an ABA-approved institution, he was hired in 1968 by the state Bar on a temporary basis to deal with the schools which were springing up like toadstools all over the state. "I was supposed to try to help get as many of the schools accredited as I could, and we (the state Bar) hoped the rest would just fold for the lack of students," he said. But it didn't work that way, and Gorfinkel still flies around the state trying to keep up with the onslaught of new schools: shepherding them through the procedures of state accreditation if they want that; seeing that they meet the minimum state standards to confer law degrees if they don't.

Recalling his experience with the new schools in 1968, Gorfinkel said, "Every time we accredited a law school in a particular area, two more would open up over night, hoping to pick up the pieces when students started flunking out of the accredited schools." Interestingly, there is only one basic requirement under the state educational code to be authorized to confer law degrees: the institution must have $50,000 in assets and must be a corporation — that's all! There are no requirements regarding curriculum, teaching credentials, library size; nothing, in fact, relating to educational quality. Thus any corporation

The authors are Bay Area writers specializing in legal affairs.

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with $50,000 in assets could open a law school in California and begin conferring Juris Doctor or Bachelor of Law degrees immediately.

'Baby-bar' exam

The state bar requires an extra fourth year of study for graduation from an unaccredited school, and also weeds out large numbers of students through a state-mandated first year law students exam called the "baby bar," which is required for continuation in an unaccredited program. (Students in state accredited three-year schools need not take the Baby Bar, unless a student has had less than two years of college.)

Admissions procedures to the unaccredited law schools are much less stringent than those of the full-time schools. Applicants must have either two years of college or pass an equivalency exam given by the Committee of Bar Examiners. In theory, even a high school drop-out could enter law school and eventually the practice of law. Despite the open admissions policies of these institutions, most are operating below their capacity and some have fewer than a dozen students.

Last October, the state Supreme Court added minimum requirements for the operation of unaccredited law schools. Part-time schools now must maintain a regular course of instruction, a specified curriculum, hold regularly scheduled classes, require classroom attendance of students for a minimum of 270 hours for at least four years; have a physical facility in a fixed location; have a "qualified" faculty, and a library containing specified sets of books. Gorfinkel estimates that the library requirement could be met with an investment of about $5,000.

Typically, faculty members of a night law school are chosen from the ranks of local practicing attorneys, often ones whose daytime practice is not producing sufficient income to support them in a manner to which they would like to become accustomed. Salaries vary depending upon the institution, but it seems to average about $50 a lecture, $500 to $1,000 a semester. The point of the foregoing cost analysis is to demonstrate that at roughly $50 per unit per student, the law school business is potentially lucrative.

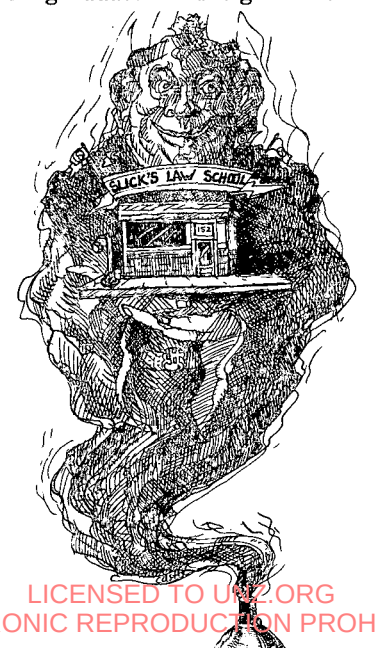
In fact, many of these law schools do not draw the requisite number of students to become profitable ventures. There are 4,850 students enrolled in 32 unaccredited schools in California, according to Bar figures, compared with 20,000 in 25 accredited law schools. This means that the "fly-by-night" schools have an average enrollment of 132 based upon enrollment figures, which are probably inflated. Many of the newer schools, like Ocean University in Lancaster, the United States School of Law in Panorama City, and Magna Carta have only a handful of students.

Some of these law schools have already gone out of business. One school in the San Fernando Valley just "dried up and blew away" before passing any students through the bar exam, according to Gorfinkel, who was unable to contact any of the school's officials before it slipped into oblivion. Windsor University, an all-Black school in Compton, had only one graduate pass the bar before it folded, and Ocean University (which now has a campus in Lancaster) closed its Los Angeles and San Jose campuses in the past two years.

Low-quality instruction

The quality of instruction at the unaccredited schools is substantially inferior to ABA-approved law schools, according to John Gorfinkel, who has monitored classes in virtually every law school in the state. "The lecture notes are full of boners," he stated. "I was sitting in on a class with the dean of a certain college and, afterward, the dean was so embarrassed he threatened to fire the teacher for two serious mistakes he made in class."

How well have graduates of unaccredited law schools done on the bar exam? Mid-Valley College of Law, founded in 1971, has graduated 31 students, of whom only 11 passed the bar. Glendale College of Law with one of the largest enrollments in the state (356) has had 79 graduates pass the bar since 1968. Only seven in eight years have passed the bar from Van Norman University in Los Angeles. Citrus Belt had 21 graduates and eight became members of the bar. The failure rate is about double for the graduates of the unaccredited schools.



Assuming one passes the bar, what is a degree from a night law school worth? Marvin Anderson, dean of Hastings College of Law, said prospective employers have a pecking order placing day law schools at the top, accredited night schools next and the Magna Cartas and the Oceans at the bottom. There were 30,000 law school graduates last year competing for about 15,000 to 20,000 jobs.

If the degree is worth less as a ticket of admission to the legal profession, then it must be less expensive to obtain. Right? Not quite. Though tuition fees vary somewhat from college to college, the fees at John F. Kennedy University in Orinda are more or less typical; tuition is $4,360 for the four year program. The cost for a degree from a state-supported law school such as Boalt or Hastings is about half that amount. While it is unfair to compare private enterprise education with governmentally subsidized schools, it must not be forgotten that there is a "seller's market" for admission to high quality accredited schools (students are competing for available positions) and a "buyer's market" for the unaccredited schools (competing for tuition dollars.) It is probably best for prospective students to view themselves as consumers of legal education, and act accordingly. Unfortunately, the bar association publishes no consumer report on law schools, but annual bar-exam-passage rates for all schools is published in the *State Bar Journal*.

There have been efforts to enact legislation, notably this year's AB3392 by Assemblyman Bob Wilson, to require consumer-disclosure statements for prospective students. But information of this type is not the real problem. Neither consumer legislation nor enforcement of minimum standards will address the fact that the night law schools are selling the hopes and dreams of a better tomorrow.

The unaccredited night law schools are neither a threat to the established, quality law schools nor to consumers of legal services. The bar exam acts as "equalizer." They do not diminish the practice of law since only the most tenacious graduates actually become lawyers, and are probably more worthy than some of the slackers who slip through accredited schools. What harm can come from attempting to make lawyers through the humility of a storefront education, except for the shattering of the dreams of the majority destined to failure?

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Controls for the coast

Thanks in part to the negotiating skills of Governor Brown, the Legislature on August 23rd enacted a bill to establish a permanent system for controlling development of the California coastline. Had the Legislature adjourned at the end of August without acting, Brown would have called lawmakers into special session. The current temporary controls will expire at the end of the year.

The vote on SB1277 by Senator Jerry Smith was surprisingly strong in the Senate after Brown worked out a compromise with John Henning, AFL-CIO spokesman, on the proposal. The roll call was 25-14, four more than the required 21. Prior to Brown's deal with Henning, Smith stood three votes short.

It was announced that Henning would receive seven refinements to the bill in follow-up legislation. The most important concession was a provision that six regional commissions will not be activated by the state coastal commission unless workload requires it. That may be window dressing because the decision is left in the hands of the panel that will have ultimate control over each development decision.

What labor really won may not become apparent until Brown and legislative leaders announce their appointments to regional boards. Labor has been especially upset with the south coast commission, claiming it was loaded toward the environmentalist viewpoint. A more balanced regional commission may be in the offing.

Under the Smith bill, the product of many months of negotiations, the 15-member California coastal commission will certify local coastal plans and port master plans submitted by local governmental agencies. Final veto power over projects will rest with the commission, which will be composed of 12 voting members and three non-voting members (the state secretaries of resources and business and transportation plus the chairperson of the state Lands Commission). Six members will be appointed by the regional commissions, while the Governor, the Speaker of the Assembly and the Senate Rules Committee each name two public members.

On the same day the coastal measure was approved, the Senate Finance Committee killed the other major conservationist measure of the year, a plan by Assemblyman Charles Warren to preserve 12 million acres of prime farmland. Warren said he will try again next year and raised the possibility of bringing the issue to the people through the initiative process.

Senate (25D, 15R)	AB 2291	AB 3368	SB 1644	AB 207	AB 270	AB 2346	AB 3386	AB 301	SB 2205	AB 1763
Alquist (D)	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Ayala (D)	Y	Y	N	N	N	Y	Y	N	Y	N
Behr (R)	Y	*	N	Y	Y	*	Y	N	Y	Y
Beilenson (D)	Y	*	*	Y	Y	Y	Y	N	Y	Y
Berryhill (R)	N	Y	Y	N	*	*	Y	N	*	*
Carpenter (R)	N	N	Y	N	N	*	*	*	*	*
Collier (D)	Y	Y	Y	N	*	Y	N	Y	Y	Y
Cusanovich (R)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Deukmejian (R)	Y	N	Y	N	N	Y	Y	Y	Y	Y
Dills (D)	Y	Y	Y	Y	N	Y	*	Y	Y	Y
Dunlap (D)	Y	*	N	Y	Y	*	Y	Y	N	Y
Foran (D)	*	Y	N	N	Y	*	Y	*	Y	Y
Garcia (D)	N	Y	Y	Y	Y	*	Y	Y	Y	Y
Greene (D)	Y	*	N	Y	Y	*	Y	Y	N	Y
Gregorio (D)	Y	Y	N	Y	Y	Y	N	N	Y	Y
Grunsky (R)	Y	N	N	Y	N	*	Y	*	Y	Y
Holden (D)	Y	Y	N	Y	Y	*	Y	Y	N	N
Holmdahl (D)	N	*	Y	N	N	*	N	N	Y	N
Kennick (D)	*	Y	N	Y	Y	Y	N	Y	*	*
Marks (R)	Y	Y	N	Y	Y	*	Y	Y	N	Y
Mills (D)	*	Y	N	N	Y	Y	Y	N	Y	Y
Nejedly (R)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Petris (D)	*	Y	N	Y	Y	*	N	Y	*	*
Presley (D)	Y	Y	N	N	Y	*	N	N	N	Y
Rains (D)	Y	Y	N	*	Y	Y	Y	Y	Y	Y
Richardson (R)	N	*	*	*	*	*	*	*	*	*
Robbins (D)	Y	Y	Y	Y	Y	*	*	Y	Y	N
Roberti (D)	*	Y	*	Y	Y	Y	Y	Y	Y	N
Rodda (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Russell (R)	Y	*	Y	N	N	*	Y	N	Y	Y
Schrade (R)	N	N	Y	N	N	Y	Y	Y	Y	Y
Smith (D)	*	Y	N	Y	Y	*	Y	*	Y	*
Song (D)	N	Y	N	*	Y	*	Y	Y	Y	Y
Stevens (R)	*	*	N	N	*	*	Y	*	*	*
Stiern (D)	Y	Y	N	N	Y	Y	N	N	Y	N
Stull (R)	N	N	Y	N	N	Y	*	N	*	*
Way (R)	Y	Y	N	N	N	Y	Y	N	Y	Y
Wedworth (D)	N	Y	Y	Y	*	*	Y	Y	N	Y
Whetmore (R)	N	*	Y	N	Y	Y	N	Y	Y	N
Zenovich (D)	N	N	N	Y	Y	Y	N	Y	Y	Y

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through August 19th. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes
N - No
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Senate

BUSINESS AND CONSUMER AFFAIRS

AB 2291 (Briggs) — Requires that at least half the seats in public-transportation vehicles be designated for non-smokers and that non-smoking areas be designated in publicly owned buildings. Passed 22-11.

AB 3368 (Robinson) — Prohibits telephone companies from charging for directory-assistance service. Passed 25-5.

EDUCATION

SB 1644 (Robbins) — Prohibits a school district from using a lottery system for the assignment of teachers to achieve racial integration. Senate rejected conference-committee report 20-17.

AB 207 (Vasconcellos) — Gives students the right of free expression in student publications. Failed 17-21.

AB 270 (Vasconcellos) — Permits school boards to appoint non-voting student members to local boards for one-year terms. Passed 21-12.

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HEALTH

AB 2346 (Antonovich) — Requires that an infant born alive as the result of an abortion be given the right to life. Passed 24-2.

AB 3386 (Berman) — Allows marriage and family counselors to use hypnosis. Passed 22-9.

MISCELLANEOUS

AB 301 (Keysor) — Gives police officers a bill of rights in disciplinary proceedings. Passed 24-11.

SB 2205 (Cusanovich) — Bans the diamond lanes on the Santa Monica Freeway. Passed 27-5.

AB 1763 (Wornum) — Appropriates $20,000 to study livestock and wildlife destruction by wild animals. Urgency clause refused adoption 23-10 (27 votes required).

Assembly

BUSINESS AND CONSUMER AFFAIRS

SB 1745 (Dills) — Extends interest-rate increase for pawnbrokers for two more years. Passed 43-9.

AB 2291 (Briggs) — Requires that at least half the seats in public-transportation vehicles be designated for non-smokers. Passed 44-18.

EMPLOYMENT

AB 301 (Keysor) — Gives police officers a bill of rights in disciplinary proceedings. Passed 59-5.

AB 3003 (Dixon) — Grants collective-bargaining rights to non-teaching public-school employees. Passed 56-11.

ENVIRONMENT

SB 1277 (Smith) — Establishes permanent state commissions to control coastal development. Passed 45-29.

SB 1504 (Dunlap) — Extends moratorium on the shooting of mountain lions until January 1st, 1978. Passed 55-3.

MISCELLANEOUS

SB 1356 (Rains) — Relaxes disclosure provisions of the Political Reform Act of 1974. Failed 43-20 (54 votes required).

SB 2153 (Robbins) — Authorizes construction of rail rapid transit system in the Los Angeles area if approved by the voters. Failed 40-20.

Assembly (53D, 25R)

	SB 1745 / AB 2291 / AB 301 / AB 3003	SB 1277 / SB 1504 / SB 1356 / SB 2153
Alatorre (D)	YYYY	YYYY
Antonovich (R)	***N	****
Arnett (R)	****	N*NY
Badham (R)	***N	N***
Bane (D)	YYYY	YYYY
Bannai (R)	Y***	NY*N
Berman (D)	NYYY	YYY*
Beverly (R)	YNYY	YYY*
Boatwright (D)	**YY	YYY*
Briggs (R)	YYYY	*NY*
Brown (D)	***Y	**NY
Burke (R)	***N	N***
Calvo (D)	YYYY	YYYY
Campbell (R)	YNYY	NYY*
Carpenter (D)	YYYY	NYN*
Chacon (D)	YYYY	YYYY
Chappie (R)	Y*YY	N*NY
Chel (D)	YNY*	NYNN
Chimbole (D)	YN*Y	NYYN
Cline (R)	YYNN	NNY*
Collier (R)	YYYN	NYYN
Craven (R)	YNNY	NYYY
Cullen (D)	Y*YY	NY*Y
Davis (D)	*NYY	N*N*
Deddeh (D)	YYYY	YYNY
Dixon (D)	N*YY	YY**
Duffy (R)	YYYY	NYNY
Egeland (D)	*YY*	YYYY
Fazio (D)	*YYY	YYYY
Fenton (D)	YNYY	YYYN
Garamendi (D)	*YYY	YYYY
Goggin (D)	*YYY	YYYY
Greene (D)	YNYN	YYYY
Gualco (D)	NYYY	YYYY
Hart (D)	*YY*	Y**Y
Hayden (R)	YYYY	YYNY
Hughes (D)	YYY*	Y*YY
Ingalls (D)	*YYY	YYNY
Kapiloff (D)	NYYY	YYYY
Keene (D)	YYYY	N*YY
Keysor (D)	YYYY	YYYY
Knox (D)	YNYY	YYYY
Lancaster (R)	***N	N*YN
Lanterman (R)	YYNN	NYYY
Lewis (R)	YNYN	NYYN
Lockyer (D)	*YYY	Y**Y
MacDonald (D)	YYY*	YYNN
Maddy (R)	YNYY	NYN*
McAlister (D)	YY*Y	YYYN
McCarthy (D)	Y*YY	YY**
McLennan (R)	****	N*YN
McVittie (D)	*YYY	Y*YN
Meade (D)	*YYY	Y**Y
Miller (D)	NYYY	YYY*
Mobley (R)	YYYY	*YNY
Montoya (D)	Y**Y	YY*N
Mori (D)	NYYY	YYYN
Murphy (R)	YNNN	NYNY
Nestande (R)	***Y	N*N*
Nimmo (R)	YYY*	NN*Y
Papan (D)	YNYY	YYYY
Perino (D)	YYYY	N**Y
Priolo (R)	***N	N*NY
Ralph (D)	*YYY	Y**Y
Robinson (D)	YNNY	NYNN
Rosenthal (D)	NNYY	YYYN
Sieroty (D)	NYY*	YYYN
Suitt (D)	*YYY	YYNN
Thomas, V. (D)	*YYY	YYY*
Thomas, W. (R)	YYYY	NYYY
Thurman (D)	YNYY	NYNN
Torres (D)	YYYY	YYYN
Tucker (D)	*N*Y	YY*N
Vasconcellos (D)	*YYY	Y*YY
Vicencia (D)	YNYY	YYYY
Warren (D)	*YY*	YYY*
Wilson (D)	NYYY	YYNY
Wornum (D)	YYYY	YYYY

Selected Government Reports

Everywomen's Guide to Political Awareness; by Phyllis Butler and Dorothy Gray. The who, what and why of political activity as it relates to women. 128 pp. Available from Les Femmes, 231 Adrian Road, Millbrae, CA 94030. (3.95, paperback)

The People's Guide to Campaign Politics; by Gary Robert Schwedes, with foreword by the late Edwin A. Koupal of People's Lobby. Campaign strategy for candidates for local public office. 102 pp. Available from Cogan Books, 4332 Artesia Blvd., La Mirada, CA 90638. ($2.95, paperback)

Campaign Lobbying Law Handbook; by Los Angeles County Bar Association. A 62-page outline of California and federal election and lobbying laws. Available from the Bar Association, Suite 1212, 606 South Olive Street, Los Angeles 90014. ($5)

California Tomorrow: Alternatives for Growth Management. Summer 1976 special issue by *Cry California*, monthly publication of the environment-oriented, non-profit organization, California Tomorrow. Evaluates California's progress in preserving the state's environment. 81 pp. Available from the publisher, 681 Market Street, San Francisco, 94105. ($3)

Unacceptable Risk: The Nuclear Power Controversy; by McKinley C. Olson, published by Bantam Books, New York. 320 pp. Available from the publishers, 666 Fifth Ave., New York, N.Y. 10019. ($2.25)

The Impact of Power Plant Siting on California's Water Resources: by John R. Teerink for the Association of California Water Agencies. 40 pp. Available from the association, Suite 305, 1127 11 St., Sacramento, CA 95814.

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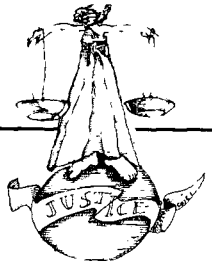

SIGNIFICANT COURT ACTIONS

Attorney – public privilege

Mendocino County Superior Court Judge Arthur B. Broaddus has upheld a pivotal conflict-of-interest provision in the Political Reform Act of 1974. Under the ruling, which is expected to be appealed, attorneys who hold public office will be required to disclose the names of their clients.

Ukiah City Councilman Barry Wood, an attorney, raised the challenge a year ago by refusing to disclose the names of clients who had paid him fees of $1,000 or more, as required by the reform act (generally known as Proposition 9). Wood contended that the law, which requires public officials to disclose their investments and sources of income, violated the attorney-client privilege.

Judge Broaddus declared that "disclosure of client names is proper and essential" in view of the goal of eliminating conflict-of-interest abuses. He cited "past experience and examples of attorneys having much greater opportunity to misuse their office under the guise of legitimate client relationship than public officials in other professions."

A friendly test

In a unanimous decision, the state Supreme Court upheld the constitutionality of a new state law which authorizes the issuance of revenue bonds to finance housing developments. The court added that there must be a vote of approval from voters in each community before these low-cost projects can be built in any city.

In *California Housing Finance Agency v. Elliott*, the court ruled that the program did not violate various constitutional prohibitions against the improper expenditure of state funds. The opinion written by Justice Frank K. Richardson emphasized that "under the public-purpose doctrine, public credit may be extended and public funds disbursed if a direct and substantial public purpose is served and non-state entities are benefited only as an incident to the public purpose."

The suit was filed by the agency against its chairperson, S. Michael Elliott, as a friendly means of establishing the legality of the Zenovich-Moscone-Chacon Housing and Home Finance Act of 1975.

Alternates and arbitration

In other Supreme Court decisions, the justices ruled that:

- An alternate can be substituted for an original juror after deliberations have begun when good cause has been shown and the jury has been instructed to begin deliberations anew (*People v. Collins*).
- A potential candidate for director of the Imperial Irrigation District, largest irrigation district in the state, may not be disqualified from office because he does not own land within the district (*Choudhry v. Free*).
- Members of a group health plan are bound by provisions in their plans requiring that medical malpractice claims be submitted to arbitration (*Madden v. Kaiser Hospitals*).

NEWSMAKERS

The Wright ticket

The Peace and Freedom Party, convening in San Francisco, selected **Margaret Wright,** a Los Angeles community organizer, as its presidential candidate. Her running mate will be Dr. **Benjamin Spock,** the party's 1972 presidential nominee .... **Terrence O'Connell,** a 32-year-old political professional who has worked in the East for George McGovern and Henry Jackson, is moving to California to coordinate the Jimmy Carter campaign in the state .... Supervisor **Ted Sheedy** of Sacramento announced that he will run as a write-in candidate against a fellow Democrat, Congressman **Robert Leggett,** who has been tainted by a sex scandal. The write-in effort should help Republican **Albert Dehr.**

Former Attorney General **Robert W. Kenny,** a Democrat, died in La Jolla at 74. He ran for governor in 1946 against Earl Warren .... A clerical error by a blood-bank technician, it was revealed, was responsible for the death of **Taft Schreiber,** entertainment executive and Republican fund raiser .... **Daniel L. Western Jr.,** general manager of the California State Employees Association, was reinstated by the CSEA board following a suspension by president **Robert Spiegel.**

State Senator **H. L. (Bill) Richardson** reported that he is getting "phenomenal support" for his newest organization, the Law and Order Campaign Committee: Richardson also heads Gun Owners of America and its California affiliate .... Retiring state Senator **Clare Berryhill** indicated he plans to become associated with the lobbying firm of Les H. Cohen and Associates .... Democratic Assemblyman **Tom Suitt** of Indian Wells, who is facing a tough reelection battle, was appointed to the Assembly Ways and Means Committee by Speaker Leo T. McCarthy.

Governor **Edmund G. Brown Jr.** is considering the sale of his home in the Laurel Canyon area of Los Angeles. Reasons: He doesn't spend enough time there, and the property taxes have risen considerably. The assessed value of the house was boosted this year from $58,000 to $87,000 .... **Emelio E. Varanini,** chief consultant to the Assembly Committee on Energy and Diminishing Resources, was appointed by Brown to the state Energy Resources, Conservation and Development Commission, succeeding Richard Tuttle .... **Raymond Procunier,** controversial former chairman of the Adult Authority, was named a special assistant to Health and Welfare Secretary **Mario Obledo** at $33,112 a year. His first assignment: to be an efficiency expert for the health department.

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By Lou Cannon

Reagan's four victories

And in the end, after the mingled defiance and acceptance of defeat, the Ronald Reagan experience proved something of value for the nation and for the Republican Party. Not since Adlai Stevenson, who lost while accomplishing his purpose of "talking sense to the American people," has a losing candidate bowed out as gracefully. Not since Wendell Willkie had a defeated candidate accomplished as much.

* * *

Consider, in retrospect, the four-fold impact of the Reagan candidacy:

○ The huge increases in the defense budget passed by the Congress under the imprimatur of Gerald Ford. The President came before Congress as a reasonable man, asking military spending increases to counter Soviet military spending. Even his congressional critics acknowledged that Ford, a big military spender in his own right, had no political alternative. But it was the pressure on the Congress, not the President, that was crucial. For the first time in eight years, the budget-cutters caved in, and they did so because the mood of the country had changed. "Before Reagan began a debate on defense policy, the polls showed only about 8 to 10 percent thought we were not spending enough on defense," said Martin Anderson, the capable Reagan issues man who now will return to the Hoover Institute at Stanford. 'After Reagan made it a campaign issue, the polls showed that twice that number thought so. So Congress came out and voted for increased defense spending." It was not quite that simple, but Reagan certainly played a major role.

○ The Republican platform, which on the issues of the Helsinki agreement, government spending and abortion sounds as though it had been written by Reagan, not Ford. The platform retreat by the Ford forces at Kansas City was a symbolic reflection of what had happened at the White House during the Reagan challenge.

○ The ratification of conservatism as the accepted doctrine of the GOP. Republicans long have been conservative in the Tory sense of identifying with established authority. When the party traded this traditional perspective for Southern Strategy, the word "conservative" became faintly unsavory. Reagan, who shifted the focus of conservatism from bigotry to big government, has helped make conservatives respectable in their time. It is no small accomplishment.

○ The making of Gerald Ford. "He is a far better candidate now, and maybe a better President," said Ford supporter John Alsop, the Connecticut Republican chairman. Ford's acceptance speech was, for him, a forensic triumph that would have been unlikely without Reagan. The President had never faced a serious challenge at the polls since his first election to Congress in 1948; he had no knowledge of how to campaign nationally and no skill as a public speaker.

The Reagan challenge also helped Ford to identify, within his own campaign organization, those persons who deliver in a political battle and those who merely talk a good game. In other words, Reagan's skill as a speaker and campaigner have made Ford into a reasonable facsimile of a legitimate candidate who may run Jimmy Carter a close race in November.

Could Reagan also have won? Perhaps. It is always easy in defeat to second guess what might have happened. Political reporting suffers from the same consummate failure as sportswriting in that each move of the winning team seems to have been a pre-ordained step on the road to victory while each move of the loser seems to have contributed to defeat. Reagan and his bright campaign manager, John P. Sears, made some mistakes along the way. It is tempting to think that Reagan might have won if he had not abandoned New Hampshire the day before the first primary, or if he had seriously contested some of the other Northeastern states. Reagan himself identified one of his biggest mistakes when he said he should have cut short his campaigning in California and spent more time in Ohio, where the primary was held on the same day.

But there were even more "ifs" on the other side: If Ford had not hired Bo Callaway in the first place to run his election campaign. If he had been generous to Reagan after the first primaries, trying to sweet-talk, not bludgeon, him out of the race. If he had taken the Indiana challenge seriously in time. If, if, if. The resources of even an inherited presidency are vast.

It probably is true that Reagan, after losing Ohio and New Jersey the same day he won California, prepared himself as much for defeat as for victory. That was the meaning of his statement to this reporter on the way home from the last state GOP convention in Utah: "My candidacy has pushed Mr. Ford into positions he would not have taken." He went on to assess, with accuracy and precision, the impact of his own candidacy on Ford's veto of the common-site picketing bill. But he was vague and uncertain when talking about the delegates he needed to win the nomination, saying that he believed what Sears and others were telling him. No wonder that the Reagan campaigners felt compelled to denounce the account of this interview when it appeared in *The Washington Post*. They knew what was happening, and they knew, too, that any acknowledgment destroyed whatever remote chance of victory remained.

* * *

In the end, defeat may have been more difficult for Reagan's most loyal followers than for the former governor himself. Reagan's adversaries have always mocked his fatalism, a quality expressed by his wife, Nancy, on the plane en route to Kansas City when she said, with her palms up, "Whatever will be, will be." But Reagan often seemed to regard his own campaign as a sort of special experience which could be measured in terms other than final victory.

"You get so caught up in it," Reagan said in an interview the day after Ford was nominated. "You're busy campaigning, some days the news lets you down, some days you're up about it. I don't think you get a perspective until you're a little down the road. Not often did you have a moment when you said, 'Hey, I'm actually a candidate for President of the United States.' Once in awhile you say, 'How did you get there?' As time goes by, you realize for a brief time you did occupy a rather unique place in American life."

That moment is gone now, but its impact lingers.

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COMING NEXT MONTH

Guide to the November Propositions

"There goes Swifty!"

If Proposition 13 on the November 2nd ballot is approved by the voters, that cry will become familiar to Californians. "Swifty" is the name usually used for the mechanical rabbit used to lure greyhounds around dog tracks in other states. And if Proposition 13 is enacted, greyhound racing will become legalized in California.

The October Journal will contain a special section analyzing the dog-racing initiative and the 14 other state propositions, with special emphasis on "Swifty" and Proposition 14, the agricultural-labor initiative sponsored by Cesar Chavez and the United Farm Workers.

The Journal won't tell you how to vote, but we will attempt to focus the issues in a concise, comprehensible format so you can make an educated judgment whether to support or oppose these complex proposals.

Reprints of this special section will be available at the following prices: Single copy, 75 cents; 2 - 10 copies, 50 cents each; 11 - 99 copies, 40 cents each; 100 or more copies, 30 cents each. Please add sales tax to all but single-copy orders. Postage and handling are free on prepaid orders.

Only a limited number of reprints will be available. Order now to be sure of a supply. Mail your orders to Journal Proposition Booklet, 1617 10th St., Sacramento 95814.

Few men have virtue to withstand the highest bidder.
— George Washington

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